

South Australia

## Road Traffic (Miscellaneous) Regulations 2014

under the *Road Traffic Act 1961*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Regulations 2014*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

**Act** means the *Road Traffic Act 1961*;

**ADR** (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time;

**approved courier** means a person approved by the Commissioner of Police as a courier for the purposes of Schedule 1 of the Act;

**average speed**, in relation to a vehicle travelling between 2 average speed camera locations, means the average speed of the vehicle between those locations calculated in accordance with section 175A(4)(b)(ii) of the Act;

**average speed camera**—see regulation 38(3)(a);

**average speed camera location** has the same meaning as in section 175A of the Act;

**average speed camera location offence** means—

- (a) an offence against rule 132(2) (Keeping to the left of a dividing line) or rule 150(1) (Driving on or across a continuous white edge line) of the *Australian Road Rules*; or
- (b) an offence against regulation 39 of these regulations (Evasive action in relation to average speed camera); or
- (c) an offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);

**B-double** means a combination consisting of a prime mover towing 2 semi-trailers, with the first semi-trailer being attached directly to the prime mover by a fifth wheel coupling and the second semi-trailer being mounted on the rear of the first semi-trailer by a fifth wheel coupling on the first semi-trailer;

**bicycle trailer** means a trailer built for being towed by a bicycle;

**car** means a motor vehicle built mainly to carry people that—

- (a) seats not over 9 people (including the driver); and
- (b) has a body commonly known as a sedan, station wagon, coupe, convertible or roadster; and
- (c) has 4 or more wheels;

**car-type utility** or **car-type panel van** means a motor vehicle of the kind commonly known as a utility or panel van of the same make as a factory produced car and in which the forward part of the body and the greater part of the mechanical equipment are the same as those in the car;

**Central Inspection Authority** means the Central Inspection Authority established by Part 4A of the Act;

**commercial motor vehicle** means—

- (a) a light motor vehicle constructed or adapted solely or mainly for the carriage of goods; or
- (b) a light motor vehicle of the type commonly called a utility; or
- (c) a bus that is a light motor vehicle;

**converter dolly** means a pig trailer with a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

**dog trailer** means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with—

- (a) 1 axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) 1 axle group or single axle at the rear;

**expiation notice** means an expiation notice under the *Expiation of Offences Act 1996*;

**expiation reminder notice** means an expiation reminder notice under the *Expiation of Offences Act 1996*;

**fifth wheel coupling** means a device (other than an upper rotating element and a kingpin) used with a prime mover, semi-trailer or converter dolly to—

- (a) permit quick coupling and uncoupling; and
- (b) provide for articulation;

**GTM** (gross trailer mass) means the maximum loaded mass transmitted to the ground by the axles of a trailer when it is connected to a towing vehicle—

- (a) as specified by the manufacturer; or
- (b) as specified by an Australian Authority if—
  - (i) the manufacturer has not specified a maximum loaded mass transmitted to the ground by the axles of the trailer when connected to a towing vehicle; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the trailer has been modified to the extent that the manufacturer's specification is no longer appropriate;

**pig trailer** means a trailer—

- (a) with 1 axle group or a single axle near the middle of its load carrying surface; and
- (b) connected to the towing vehicle by a drawbar;

**prescribed certification mark** means the certification mark of—

- (a) Standards Australia; or
- (b) a body accredited under the system established by Australia and New Zealand known as the Joint Accreditation System of Australia and New Zealand;

**prescribed part**, of a photographic detection device, means—

- (a) a closed-circuit television camera; or
- (b) an induction loop vehicle detector; or
- (c) a piezoelectric traffic sensor; or
- (d) a Variable Speed Limit Sign,

that forms part of the device;

**reckless or dangerous driving offence** means an offence against section 46(1) of the Act;

**recording media**—

- (a) in relation to a wet film camera—means a film magazine;
- (b) in relation to a digital or other electronic camera—means any disk, card or other thing used to store electronic records made by the camera;

**red light offence** means—

- (a) an offence against rule 56(1), 56(2), 59(1) or 60 of the *Australian Road Rules*; or
- (b) an offence against rule 123(a) of the *Australian Road Rules* constituted of entering a level crossing while twin red lights are operating;

**registration offence** has the same meaning as in Schedule 1 of the *Motor Vehicles Act 1959*;

**road train** means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers, excluding any converter dolly supporting a semi-trailer;

**Safe-T-Cam photographic detection device** means a photographic detection device of a kind referred to in regulation 29(1)(d) that includes a camera that, when activated, makes an electronic record of a vehicle at one of 2 points on a road, which electronic record, when used in conjunction with an electronic record of the vehicle made by another such camera at the other point, may be used for the purposes of calculating the time taken for the vehicle to travel, or the speed of the vehicle, between the 2 points;

**Southern Expressway** means Road Number 6780 Southern Expressway between—

- (a) its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and
- (b) its junction with Road Number 6203 Main South Road at Bedford Park;

**speeding offence** means—

- (a) an offence against section 45A of the Act; or
- (b) an offence against a provision of Part 3 of the *Australian Road Rules*; or
- (c) an offence against regulation 8(1) or 8(2) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;

**stub line**—see regulation 38;

**towtruck** has the same meaning as in the *Motor Vehicles Act 1959*;

**tractor** means a light motor vehicle used for towing purposes, other than—

- (a) a motor vehicle designed to carry goods or passengers; or
- (b) a towtruck; or
- (c) a prime mover;

**Transport Department** means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

**Variable Speed Limit Sign** means a variable illuminated message device that displays or is designed to display a speed limit sign.

- (2) In these regulations, **intersection, level crossing, marked foot crossing, speed limit sign, stop line, traffic lights, twin red lights** and **variable illuminated message device** have the same respective meanings as in the *Australian Road Rules*.
- (3) In these regulations, a reference to a prescribed part of a photographic detection device—
  - (a) includes a reference to more than 1 such prescribed part; and
  - (b) if more than 1 such prescribed part forms part of a photographic detection device, is a reference to any such part.
- (4) For the purposes of paragraph (b) of the definition of **corresponding Authority** in section 5(1) of the Act—
  - (a) the Authority as defined in the *Road Transport Act 2013* of New South Wales is declared to be the corresponding Authority for that State;
  - (b) the chief executive for the purposes of the *Transport Operations (Road Use Management) Act 1995* of Queensland is declared to be the corresponding Authority for that State;
  - (c) the Corporation as defined in the *Road Safety Act 1986* of Victoria is declared to be the corresponding Authority for that State.
- (5) For the purposes of the definition of **corresponding law** in section 5(1) of the Act, the following are declared to be corresponding laws:
  - (a) the *Road Transport Act 2013* of New South Wales;
  - (b) the *Transport Operations (Road Use Management) Act 1995* of Queensland;
  - (c) the *Road Safety Act 1986* of Victoria.
- (6) For the purposes of paragraph (a) of the definition of **corresponding road law** in section 5(1) of the Act—
  - (a) the *Road Transport Act 2013* of New South Wales is declared to be a corresponding road law for that State;
  - (b) the *Transport Operations (Road Use Management) Act 1995* of Queensland is declared to be a corresponding road law for that State;
  - (c) the *Road Safety Act 1986* of Victoria is declared to be a corresponding road law for that State.

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- (7) For the purposes of the definition of *unladen mass* in section 5(1) of the Act, the following equipment carried (either habitually or intermittently) on the vehicle are prescribed equipment:
- (a) the following if carried on a vehicle other than a vehicle registered at concessional registration fee rates for primary producers under section 34 of the *Motor Vehicles Act 1959*:
    - (i) stock hurdles, stock crates, sheep gates, cages and other similar equipment used to contain animals;
    - (ii) containers and tanks used to carry solid, liquid or gaseous loads;
    - (iii) stake sides, drop sides, canopies, frames, tarpaulins and other similar equipment used to contain or protect a load;
  - (b) cranes, hoists, platforms and other similar equipment for the purpose of loading or unloading goods;
  - (c) air-conditioners, sleeping and cooking equipment, refrigeration units, radios and tape recorders and similar equipment;
  - (d) tools, tool boxes, towbars, spare tyres, roof racks and other similar spare equipment;
  - (e) any other equipment that is not part of a load and is usually carried on the vehicle.
- (8) For the purposes of these regulations, each edition of—
- (a) an Australian Standard (or AS) of a specified number; and
  - (b) an Australian/New Zealand Standard (or AS/NZS) of the same number,
- will be taken to be an edition of the same standard.



## Part 2—Administrative provisions

### Division 1—Traffic control devices

#### 4—Exemption from section 20 of Act for short term low impact works

- (1) A public authority, or a contractor engaged by a public authority, is exempt from section 20(2) of the Act in relation to a work area or work site where workers are engaged at the direction of that authority or contractor to carry out short term low impact works provided that the public authority or contractor complies with Section 8.2 of the *SA Standards for Workzone Traffic Management* published by the Department of Planning, Transport and Infrastructure, as in force from time to time.
- (2) In this regulation—  
*public authority* has the same meaning as in section 20 of the Act;  
*short term low impact works* means works that involve the occupation of a road for not more than 20 minutes;  
*work area* and *work site* have the same respective meanings as in section 20 of the Act.

### Division 2—Road closing provisions

#### 5—Interpretation

In this Division—

*council area* means a municipality or district council district;

*event* means an event—

- (a) to which section 33 of the Act has been declared to apply; or
- (b) in relation to which application has been made to the Minister for a declaration that section 33 is to apply.

#### 6—Event management plan (section 33(1) of Act)

- (1) For the purposes of section 33(1) of the Act, the Minister may require an applicant seeking an order for either or both of the following:
  - (a) closure of a road;
  - (b) exemption of persons from the duty to observe an enactment, regulation or by-law,to provide the Minister with an *event management plan*.
- (2) The event management plan must be prepared in consultation with—
  - (a) the Commissioner of Police; or
  - (b) the Commissioner of Highways; or
  - (c) each council within whose area the event is to take place,as the Minister directs.

- (3) The event management plan must specify the person with primary responsibility for the following tasks, and the time at which the tasks are to be carried out or completed, as may be necessary:
- (a) the provision, placement, erection and dismantling of traffic control devices;
  - (b) the placement of advance warning signs;
  - (c) the provision and distribution of written material advising of the road closure, as well as any necessary additional information, to members of the public likely to be affected by the closure, including—
    - (i) local residents; and
    - (ii) proprietors of local businesses; and
    - (iii) persons who pay council rates on local property but do not use the property as a principal place of residence;
  - (d) the fulfilment of other conditions the Minister thinks fit to impose under section 33(4) of the Act.

#### **7—Advertisements (section 33(3) of Act)**

- (1) For the purposes of section 33(3) of the Act, an order to close a road must be advertised at least 2 clear days before the order takes effect in the following manner:
- (a) if the Minister is of the opinion that closure of the road will not substantially affect road users—
    - (i) in another council area adjoining the council area within which the road to be closed is situated; or
    - (ii) on a road under the care, control and management of the Commissioner of Highways,notice of the order is to be placed in a newspaper circulated in the vicinity of the road that is to be closed;
  - (b) if the Minister is of the opinion that closure of the road will substantially affect road users—
    - (i) in another council area adjoining the council area within which the road to be closed is situated; or
    - (ii) on a road under the care, control and management of the Commissioner of Highways,notice of the order is to be placed in 1 or more newspapers as determined by the Minister after the applicant has engaged in the required consultations.
- (2) For the purposes of subregulation (1)(b), the required consultations are—
- (a) consultations with the councils for the council areas within which the road to be closed is situated; and
  - (b) consultations with the councils for any other council areas within which road users will be substantially affected by the closure; and

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- (c) if road users on a road under the care, control and management of the Commissioner of Highways will be substantially affected by the closure, consultations with the Commissioner of Highways; and
  - (d) if the Minister directs, consultations with the Commissioner of Police.
- (3) A notice in accordance with subregulation (1) must—
- (a) identify the name of the road to be closed and the council area or council areas within which the road is situated; and
  - (b) if the road closure order applies to only part of a road, identify the section of the road to be closed; and
  - (c) specify the date on which the road is to be closed; and
  - (d) specify the period of time during which the road is to be closed; and
  - (e) identify all roads that will be inaccessible by vehicle as a result of the closure; and
  - (f) include the name and telephone number of a person (if possible) or body from whom further details regarding the road closure can be obtained; and
  - (g) include (if possible)—
    - (i) the email address of a person from whom further information regarding the road closure can be obtained; or
    - (ii) the address of a website from which further information regarding the road closure can be obtained; and
  - (h) include advice of any order that has been made under section 33(1)(b) of the Act exempting persons from the duty to observe an enactment, regulation or by-law.

## **8—Information to be available from council**

The Minister must ensure that every council within whose area a road to be closed is situated is provided with the following information, which is to be kept available for inspection by members of the public at the office of the council until the event has taken place:

- (a) the name of every road that will be inaccessible by vehicle as a result of the closure;
- (b) the duration of the closure;
- (c) if an order has been made under section 33(1)(b) of the Act exempting persons from the duty to observe an enactment, regulation or by-law—particulars of the order;
- (d) a copy of the road closure order;
- (e) if a traffic management plan has been prepared in relation to the road closure—a copy of that plan;
- (f) if an event management plan has been prepared—a copy of that plan;
- (g) other relevant documentation.

## Division 3—Enforcement officers and powers for Australian road laws

### 9—Prescribed provisions (section 35 of Act)

For the purposes of section 35 of the Act (Appointment of authorised officers), the following are prescribed provisions:

- (a) the provisions of Part 12 of the *Australian Road Rules* (Restrictions on stopping and parking);
- (b) regulation 66 of these regulations (Prohibition on parking in certain public places).

### 10—Warrants (section 41B of Act)

- (1) An application for a warrant under section 41B of the Act may be made by facsimile.
- (2) An application for a warrant made personally or by facsimile must be in a form approved by the Chief Magistrate.
- (3) An application for a warrant may be made by telephone or facsimile only if, in the opinion of the applicant, the warrant is urgently required and there is not enough time to lodge a written application and appear before a magistrate.
- (4) If an application for a warrant is made by telephone, the following provisions apply:
  - (a) the applicant must inform the magistrate of the applicant's name and identify himself or herself as an authorised officer and the magistrate, on receiving that information, is entitled to assume its accuracy without further inquiry;
  - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought;
  - (c) the magistrate may, on being satisfied as to the grounds for the issue of the warrant, inform the applicant of the facts on which the magistrate relies as grounds for the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;
  - (d) the magistrate must inform the applicant of the terms of the warrant;
  - (e) the applicant must fill out and sign a warrant form (the *duplicate warrant*) that specifies—
    - (i) the name of the magistrate issuing the warrant; and
    - (ii) the person authorised to exercise the powers conferred by the warrant; and
    - (iii) the period for which the warrant will be in force;
  - (f) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c) and a copy of the duplicate warrant.
- (5) If an application for the issue of a warrant is made by facsimile, the following provisions apply:
  - (a) the applicant must be available to speak to the magistrate by telephone;

- (b) the magistrate is entitled to assume, without further inquiry, that a person who identifies himself or herself as the applicant acting in the capacity of an authorised officer during a telephone conversation with the magistrate is indeed the applicant acting in that capacity;
- (c) the magistrate must forward the warrant to the applicant by facsimile transmission.



## **Part 3—Duties of drivers, passengers and pedestrians**

### **Division 1—Notices relating to licence disqualification or suspension**

#### **11—Prescribed particulars of notice of licence disqualification or suspension (section 45B of Act)**

- (1) For the purposes of section 45B(3) of the Act, the prescribed particulars of a notice of licence disqualification or suspension given to a person that must be forwarded to the Registrar are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) if the person produces his or her licence—the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) an offence against section 45A of the Act; or
    - (ii) an offence against section 79B of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A of the Act;
  - (g) the date and time of the issue of the notice;
  - (h) an indication as to when the disqualification or suspension of licence should commence.
- (2) For the purposes of section 45B(4) of the Act, the prescribed particulars that must be included in a notice of licence disqualification or suspension sent, by post, to a person by the Registrar are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) an offence against section 45A of the Act; or
    - (ii) an offence against section 79B of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A of the Act;
  - (g) the date and time of the issue of the notice;

- (h) the date and time of the commencement of the disqualification or suspension of licence.

## **12—Prescribed particulars of notice of immediate licence disqualification or suspension (section 47IAA of Act)**

- (1) For the purposes of section 47IAA(5) of the Act, the prescribed particulars of a notice of immediate licence disqualification or suspension given to a person that must be forwarded to the Registrar are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) if the person produces his or her licence—the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) a category 2 offence; or
    - (ii) a category 3 offence; or
    - (iii) an offence against section 47E(3) of the Act; or
    - (iv) an offence against section 47EAA(9) of the Act; or
    - (v) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident;
  - (g) the date and time of the issue of the notice;
  - (h) an indication as to when the disqualification or suspension of licence should commence.
- (2) For the purposes of section 47IAA(6) of the Act, the prescribed particulars that must be included in a notice of licence disqualification or suspension sent, by post, to a person by the Registrar are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) a category 2 offence; or
    - (ii) a category 3 offence; or
    - (iii) an offence against section 47E(3) of the Act; or
    - (iv) an offence against section 47EAA(9) of the Act; or
    - (v) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident;

- (g) the date and time of the issue of the notice;
- (h) the date and time of the commencement of the disqualification or suspension of licence.

### **13—Prescribed form of notice of licence disqualification or suspension (sections 45B(1) and 47IAA(2) of Act)**

For the purposes of section 45B(1) and section 47IAA(2) of the Act, the prescribed form for the notice of licence disqualification or suspension, or notice of immediate licence disqualification or suspension, (as the case may be) is the form set out in Schedule 1 Form 1.

## **Division 2—Drink driving and drug driving**

### **14—Approved blood test kit (section 47A of Act)**

For the purposes of the definition of *approved blood test kit* in section 47A(1) of the Act, the "APPROVED 'BLOOD TEST KIT' Section 47K(2a)(b) *Road Traffic Act 1961*," produced by Sarstedt Australia Pty. Ltd. is an approved blood test kit.

### **15—Offences included in prescribed circumstances (section 47A of Act)**

For the purposes of paragraph (a) of the definition of *prescribed circumstances* in section 47A(1) of the Act, each of the following is an offence of a prescribed class:

- (a) an offence against section 40H(5), 40I(2), 40J(3) or 40K(5) of the Act;
- (b) an offence against section 40V(4), 40W(4) or 40X(3) of the Act committed by a person who was, at the time of the offence, the driver or other person in charge of a vehicle;
- (c) an offence against a provision of Part 3 of the Act;
- (d) an offence against a provision of the *Australian Road Rules* (other than an offence against a provision of Part 12 (Restrictions on stopping and parking));
- (e) an offence against regulation 8(1), 8(2), 13, 27(1) or 44(1) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- (f) an offence against section 19A(1), 19A(3), 19AB(1) or 19AB(2) of the *Criminal Law Consolidation Act 1935* involving the driving of a vehicle;
- (g) an offence against section 19AC(1) or 19AD(1) of the *Criminal Law Consolidation Act 1935*.

### **16—Prescribed drugs (section 47A of Act)**

For the purposes of the definition of *prescribed drug* in section 47A(1) of the Act, the following are declared to be prescribed drugs:

- (a) delta-9-tetrahydrocannabinol;
- (b) methylamphetamine;
- (c) 3, 4-methylenedioxymethamphetamine (MDMA).

### **17—Conduct of breath analysis (section 47E(2e) of Act)**

- (1) Pursuant to section 47E(2e) of the Act, if a person submits to a breath analysis, the breath analysis must be conducted in the following manner:
  - (a) the person must provide 2 separate samples of breath for analysis; and
  - (b) each sample must be provided in accordance with the directions of the operator of the breath analysing instrument and must consist of not less than 1 litre of breath; and
  - (c) there must be an interval of not less than 2 minutes and not more than 10 minutes between the provision of the samples.
- (2) Despite subregulation (1)—
  - (a) if, on analysing a sample of breath, the breath analysing instrument indicates an error in the analysis of the sample—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis using a different instrument (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (b) if, on analysing a sample of breath, the breath analysing instrument indicates the presence of alcohol in the mouth of the person—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (c) if, on analysing 2 samples of breath, the breath analysing instrument indicates that the reading obtained on analysis of the second sample was more than 15% higher or lower than the reading obtained on analysis of the first sample—
    - (i) those samples must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (d) if, for any reason, a second sample of breath is not provided within 10 minutes of the provision of the first sample—
    - (i) the first sample is to be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)).

- (3) If a person submits to a breath analysis, the result of the breath analysis will, for the purposes of the *Road Traffic Act 1961* and any other Act, be taken to be the reading produced by the breath analysing instrument, on analysis of the samples of breath provided by the person in accordance with this regulation, that indicates the lower concentration of alcohol in the person's breath (not taking into account any samples that, in accordance with this regulation, are to be disregarded).

**18—Oral advice on refusal or failure to comply with alcotest or breath analysis direction (section 47E(4) of Act)**

The prescribed oral advice for the purposes of section 47E(4)(ab) of the Act is set out in Schedule 1 Form 2.

**19—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction (section 47EAA of Act)**

The prescribed oral advice for the purposes of section 47EAA(10)(b) of the Act is set out in Schedule 1 Form 3.

**20—Oral advice and written notice on recording of positive breath analysis reading (section 47K(2a) of Act)**

- (1) The oral advice required to be given for the purposes of section 47K(2a)(a) of the Act, must be as set out in Part A of Schedule 1 Form 4.
- (2) The written notice required to be delivered for the purposes of section 47K(2a)(a) of the Act must be as set out in Part B of Schedule 1 Form 4.

**21—Request for approved blood test kit (section 47K(2a) of Act)**

- (1) For the purposes of section 47K(2a)(b) of the Act, a request for an approved blood test kit must be made in accordance with the following provisions:
- (a) the request may, in the first instance, be made orally to the person operating the breath analysing instrument (*operator*);
  - (b) on such a request having been made by the person, the operator or any other police officer present at the scene must complete a written request form in the form set out in Schedule 1 Form 5 by inserting the particulars required by the form;
  - (c) the person making the request must then sign the request form in the presence of the operator or other police officer and the person's signature must be attested to by the signature of the operator or other police officer;
  - (d) the original of the signed request form may be retained by the person making the request;
  - (e) a copy of the signed request form must be delivered to the operator or other police officer.
- (2) The copy of the request form delivered to the operator or other police officer must be delivered to the Minister or retained on the Minister's behalf for 12 months from the day on which the request form was signed by the person making the request.

## **22—Procedures for voluntary blood test (section 47K(1a) of Act)**

The following are the prescribed procedures in accordance with which a sample of a person's blood must be taken and dealt with for the purposes of section 47K(1a) of the Act:

- (a) the person must cause the sample to be taken by a medical practitioner of the person's choice and must deliver the blood test kit supplied to the person under section 47K(2a)(b) of the Act to the medical practitioner for use for that purpose;
- (b) the medical practitioner by whom the sample of the person's blood is taken must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);
- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish 2 such quantities of blood;
- (d) the medical practitioner must seal each container by application of the adhesive seal (bearing an identifying number) provided as part of the blood test kit;
- (e) it is the duty of the medical practitioner to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken;
- (f) the medical practitioner must then complete a certificate in the form set out in Schedule 1 Form 6 (being a form provided as part of the blood test kit) by inserting the particulars required by the form;
- (g) the certificate must be signed by the medical practitioner certifying as to the matters set out in the form;
- (h) the certificate must also bear the signature of the person from whom the blood sample was taken, attested to by the signature of the medical practitioner;
- (i) the original of the signed certificate must then be delivered to the person from whom the blood sample was taken together with 1 of the sealed containers containing part of the blood sample;
- (j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a police officer or an approved courier;
- (k) a police officer to whom a copy of the signed certificate and the other sealed container is delivered under paragraph (j) must deliver the copy and container to Forensic Science SA or to an approved courier;
- (l) an approved courier to whom a copy of the signed certificate and the other sealed container is delivered under this regulation must deliver the copy and container to Forensic Science SA;

- (m) the blood sample container and copy of the certificate referred to in paragraph (j) must not be delivered into the possession of the person from whom the sample was taken;
- (n) on receipt of the blood sample container and certificate at Forensic Science SA, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100 millilitres of blood;
- (o) the analyst must then complete and sign a certificate certifying as to the following matters:
  - (i) the date of receipt at Forensic Science SA of the blood sample container and the certificate accompanying the blood sample container;
  - (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
  - (iii) the name and professional qualifications of the analyst;
  - (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100 millilitres of blood;
  - (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
  - (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;
- (p) the analyst's certificate must be sent by post to the person from whom the blood sample was taken at the address shown as the person's address on the certificate accompanying the blood sample container;
- (q) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;
- (r) a copy of the analyst's certificate must also be sent to the Commissioner of Police;
- (s) the person from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that person to be analysed to determine the concentration of alcohol present in the blood.

**23—Prescribed period for keeping blood samples and oral fluid samples  
(Schedule 1 clauses 2 and 7 of Act)**

For the purposes of clauses 2(e)(ii) and 7(e)(ii) of Schedule 1 of the Act, the prescribed period for which a container containing a sample of a person's blood or oral fluid (as the case requires) must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample was taken from the person.

**24—Information to be included on analyst's certificate (Schedule 1 clause 7 of Act)**

For the purposes of clause 7(f)(iv) of Schedule 1 of the Act, the required information in relation to any prescribed drug or drugs found to be present in the sample is information identifying the drug or drugs.

**25—Declaration of hospitals for compulsory blood testing (section 47I of Act)**

The institutions declared to be hospitals for the purposes of section 47I(19) of the Act are specified in Schedule 2.

**26—Recurrent offenders—prescribed day (section 47J of Act)**

For the purposes of section 47J of the Act, the prescribed day is 1 February 2010.

**Division 3—Traffic speed analysers**

**27—Apparatus approved as traffic speed analysers (section 53A of Act)**

Pursuant to section 53A of the Act, the following are approved as traffic speed analysers:

- (a) a Genesis-VP Directional Traffic Safety Radar;
- (b) a Kustom hand-held radar traffic speed analyser;
- (c) a Kustom mobile radar traffic speed analyser;
- (d) a Kustom Prolaser II infrared light detection and ranging system manufactured by Kustom Signals Inc;
- (e) a Laser Technology Inc. LTI 20/20 TruSpeed laser;
- (f) a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (g) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (h) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a Variable Speed Limit Sign and a closed-circuit television camera;
- (i) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a piezoelectric traffic sensor, a Variable Speed Limit Sign and a closed-circuit television camera;
- (j) a REDFLEXradarcam mobile digital camera system (with or without tripod mounting) manufactured by Redflex Traffic Systems Pty Ltd of Australia;
- (k) a Traffipax Speedophot II;

- (l) a Traffipax Traffiphot III-SR manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (m) a Traffipax Traffiphot III-SRD manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (n) a Traffistar SR520 manufactured by Robot Visual Systems GmbH of Germany or Jenoptik Robot GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (o) an UltraLyte 100 LR Laser Speed Gun.

## Division 4—Photographic detection devices

### Subdivision 1—Preliminary

#### 28—Interpretation

For the purposes of this Division—

- (a) a requirement in this Division relating to the installation or setting up of a photographic detection device of a kind referred to in regulation 29(1)(a), (b) or (e) to provide evidence of offences will be taken to also apply to the removal of such a device (or portion of such a device) with recording media in place to a new location from another location at which it was previously being used to provide evidence of offences; and
- (b) an average speed camera location is, in relation to 2 average speed camera locations whose location and shortest distance from each other along a particular route are specified in a notice under section 175A(3) of the Act—
  - (i) a **start location** if it is the first of the locations that is reached by a vehicle travelling along that route in the general direction of travel specified in the notice; and
  - (ii) an **end location** if it is the second of the locations reached by such a vehicle.

#### 29—Apparatus approved as photographic detection devices

- (1) The following are approved as photographic detection devices for the purposes of the Act and the *Motor Vehicles Act 1959*:
  - (a) in relation to a reckless or dangerous driving offence, a registration offence, a red light offence, a speeding offence or a red light offence and a speeding offence arising out of the same incident—
    - (i) a Traffipax Traffiphot III-SR manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
    - (ii) a Traffipax Traffiphot III-SRD manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;

- (iii) a Traffistar SR520 manufactured by Robot Visual Systems GmbH of Germany or Jenoptik Robot GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
  - (iv) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (b) in relation to a reckless or dangerous driving offence, a registration offence or a speeding offence (other than a speeding offence arising out of the same incident as a red light offence)—
  - (i) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a Variable Speed Limit Sign and a closed-circuit television camera;
  - (ii) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a piezoelectric traffic sensor, a Variable Speed Limit Sign and a closed-circuit television camera;
  - (iii) a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (c) in relation to a reckless or dangerous driving offence, a registration offence or a speeding offence (other than a speeding offence arising out of the same incident as a red light offence)—
  - (i) a REDFLEXradarcam mobile digital camera system (with or without tripod mounting) manufactured by Redflex Traffic Systems Pty Ltd of Australia;
  - (ii) a device (other than a device referred to in paragraph (a) or (b)) consisting of a camera that forms part of or is linked to a traffic speed analyser, where the camera is designed to operate as part of or in conjunction with, and is used as part of or in conjunction with, the traffic speed analyser;
- (d) in relation to a reckless or dangerous driving offence, a registration offence, a speeding offence or prescribed heavy vehicle driving offence—
  - (i) a system incorporating 1 or more of each of the following modules:
    - (A) a Model P359 visual scene camera manufactured by PIPS Technology Inc;
    - (B) a Model P358 infrared flash unit manufactured by PIPS Technology Inc;
    - (C) a Model P357 roadside processor manufactured by PIPS Technology Inc;

- (D) a Model P366 vehicle detection camera manufactured by PIPS Technology Inc or such a camera (or more than 1 such camera) together with a TIRTL (The Infra-Red Traffic Logger) manufactured by CEOS Industrial Pty Ltd or an induction loop vehicle detector;
- (ii) a system incorporating 1 or more of each of the following modules:
  - (A) a Kodak Digital Traffic Camera MegaPlus KDTC 2.0;
  - (B) a HYMOD roadside processor manufactured by CSIRO;
- (iii) a system incorporating 1 or more of each of the following modules:
  - (A) a P492 ANPR Camera manufactured by 3M United States Inc;
  - (B) an Aspect Plus infra red flash unit manufactured by Gatso Australia Pty Ltd;
  - (C) a Gatso SpeedPoints roadside processor manufactured by Gatso Australia Pty Ltd;
- (e) in relation to a reckless or dangerous driving offence, a registration offence, a speeding offence or an average speed camera location offence—a system incorporating—
  - (i) a module comprising a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector (or more than 1 such module) situated at an average speed camera location; and
  - (ii) such a module (or more than 1 such module) situated at another average speed camera location,

that are linked to and used in conjunction with each other for the purpose of enabling the average speed of vehicles travelling between the 2 locations to be calculated from electronic records of the vehicles made at each location by those modules.

- (2) In this regulation—

*prescribed heavy vehicle driving offence* means a contravention of or failure to comply with—

- (a) regulation 40(1) of these regulations (Heavy vehicles and minimum allowable travel time); or
- (b) regulation 42 of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

### 30—Prescribed offences (section 79B of Act)

- (1) For the purposes of paragraph (b) of the definition of *prescribed offence* in section 79B(1) of the Act, the offences in subregulation (2) are prescribed.
- (2) An offence against—
  - (a) section 46(1) of the Act (Reckless and dangerous driving);

- (b) section 164A(1) of the Act constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);
- (c) a provision of Part 3 of the *Australian Road Rules* (Speed limits);
- (d) rule 56(1) of the *Australian Road Rules* (Stopping for a red traffic light);
- (e) rule 56(2) of the *Australian Road Rules* (Stopping for a red traffic arrow);
- (f) rule 59(1) of the *Australian Road Rules* (Proceeding through a red traffic light);
- (g) rule 60 of the *Australian Road Rules* (Proceeding through a red traffic arrow);
- (h) rule 123(a) of the *Australian Road Rules* (Entering a level crossing when a train or tram is approaching etc) constituted of entering a level crossing while twin red lights are operating;
- (i) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line);
- (j) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line);
- (k) regulation 8(1) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014* (Speed limits applying to driving of road trains);
- (l) regulation 8(2) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014* (Speed limits applying to driving of road trains);
- (m) regulation 39 of these regulations (Evasive action in relation to average speed camera);
- (n) regulation 40(1) of these regulations (Heavy vehicles and minimum allowable travel time);
- (o) regulation 42 of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

## **Subdivision 2—Notices**

### **31—Notices for purposes of section 79B(5) and (6)**

For the purposes of section 79B(5) and (6) of the Act, a notice that accompanies an expiation notice, expiation reminder notice or summons must be in the form set out in Schedule 1 Form 7 and contain the information and instructions set out in that form.

## **Subdivision 3—Operation and testing of photographic detection devices**

### **32—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) for offences committed at intersections, marked foot crossings or level crossings**

- (1) In this regulation—

*red traffic light* means a red traffic light or red traffic arrow as defined in the *Australian Road Rules*;

*relevant offence* means—

- (a) a red light offence; or
  - (b) a speeding offence; or
  - (c) a red light offence and a speeding offence arising out of the same incident, committed at an intersection, marked foot crossing or level crossing.
- (2) Where a photographic detection device referred to in regulation 29(1)(a) is used to provide evidence of relevant offences, the following provisions must be complied with:
- (a) the camera or cameras forming part of the device must be positioned and aimed so that when vehicles are proceeding into the intersection, or over the marked foot crossing or level crossing, as the case may be, a photograph or series of photographs may be taken of the vehicles from the rear, at least 1 of which will depict the traffic lights or twin red lights towards which the vehicles are facing when proceeding towards the intersection or crossing;
  - (b) the induction loop vehicle detector (*induction loop*) must be installed—
    - (i) in the case of an intersection or marked foot crossing—under the road surface on the intersection or crossing side of the stop line before which vehicles must stop if the traffic lights referred to in paragraph (a) are showing a red traffic light; or
    - (ii) in the case of a level crossing—under the road surface on the crossing side of the entrance to the crossing;
  - (c) if the device is used to provide evidence of speeding offences, the device must be programmed and set to operate, and the induction loop and the traffic lights or twin red lights referred to in paragraph (a) must be linked up with the device, so that if a vehicle is detected by the device passing over the induction loop at a speed equal to or greater than a speed set on the device, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—
    - (i) at least 1 of which is taken or made following a programmed delay after the first is taken or made; and
    - (ii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
    - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
  - (d) if the device is used to provide evidence of red light offences, the device must be programmed and set to operate, and the induction loop and the traffic lights or twin red lights referred to in paragraph (a) must be linked up with the device, so that, following a programmed delay after the traffic lights commence showing a red traffic light, or the twin red lights commence operating, as the case may be, if a vehicle is detected by the device passing over the induction loop while the red traffic light is showing, or the twin red lights are operating, as the case may be, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—

- (i) the first of which is taken or made following the detection of the vehicle by the device; and
  - (ii) at least 1 of which is taken or made (as that vehicle or both that vehicle and other vehicles proceed over the intersection or crossing) following a programmed delay after the first is taken or made; and
  - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
- (e) if the device is used to provide evidence of red light offences and speeding offences arising out of the same incidents, the device must be programmed and set to operate, and the induction loop and the traffic lights or twin red lights referred to in paragraph (a) must be linked up with the device, so that, following a programmed delay after the traffic lights commence showing a red traffic light, or the twin red lights commence operating, as the case may be, if a vehicle is detected by the device passing over the induction loop while the red traffic light is showing, or the twin red lights are operating, as the case may be, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—
  - (i) the first of which is taken or made following the detection of the vehicle by the device; and
  - (ii) at least 1 of which is taken or made (as that vehicle or both that vehicle and other vehicles proceed over the intersection or crossing) following a programmed delay after the first is taken or made; and
  - (iii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
  - (iv) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
- (f) once in every 28 days while the device is being used to provide evidence of speeding offences—
  - (i) a test must be carried out (by reference to speeds not exceeding the speed limit applying to drivers driving vehicles through the intersection or crossing) to ensure that the device detects vehicles passing over the induction loop and accurately indicates the speed of any vehicle so detected and the lane in which the vehicle is travelling; and
  - (ii) the device must be checked to ensure that the device—
    - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
    - (B) is set to operate in accordance with paragraph (c) or (e); and
  - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and

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- (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
  - (g) once in every 28 days while the device is being used to provide evidence of red light offences—
    - (i) a test must be carried out to ensure that the device detects and takes exposures, or makes electronic records, of vehicles passing over the induction loop and accurately indicates the lane in which any such vehicle is travelling; and
    - (ii) the device must be checked to ensure that the device—
      - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
      - (B) is set to operate in accordance with paragraph (d) or (e); and
    - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
    - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
  - (h) if that part of the road surface under which the induction loop is installed has 2 or more lanes for vehicles travelling in the same direction, a test referred to in paragraph (f)(i) or (g)(i) is not required to be carried out in relation to each such lane in the same 28 day period provided that, once in every 28 days, the test is carried out in relation to 1 of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;
  - (i) if—
    - (i) a test or check; or
    - (ii) in the case of a wet film camera—the film when developed; or
    - (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,

indicates a fault that has affected the proper operation of the device as required by these regulations, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;
  - (j) the accuracy with which the device detects vehicle speeds must be tested on the day on which it is used (or on a day within the period of 27 days immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.
- (3) Where a photographic detection device referred to in regulation 29(1)(a) is used to provide evidence of reckless or dangerous driving offences or registration offences committed at an intersection, marked foot crossing or level crossing, the provisions of subregulation (2) must be complied with.

**33—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) or (b)(iii) for offences committed other than at intersections, marked foot crossings or level crossings**

- (1) Where a photographic detection device referred to in regulation 29(1)(a) or (b)(iii) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing (not being evidence of the average speed of vehicles between 2 average speed camera locations), the following provisions must be complied with:
- (a) the induction loop vehicle detector (*induction loop*) must be installed under the surface of the road;
  - (b) the camera or cameras forming part of the device must be positioned and aimed, and the induction loop linked up, so that when vehicles proceed over or continue past that part of the road under which the induction loop is installed, a photograph or series of photographs may be taken of the vehicles from the front or from the rear;
  - (c) the device must be programmed and set to operate so that if a vehicle is detected by the device passing over the induction loop at a speed equal to or greater than a speed set on the device, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the front or from the rear—
    - (i) at least 1 of which is taken or made following a programmed delay after the first is taken or made; and
    - (ii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
    - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
  - (d) subject to paragraph (e), once in every 28 days—
    - (i) a test must be carried out (by reference to speeds not exceeding the speed limit applying to drivers driving vehicles on the length of road under which the induction loop is installed) to ensure that the device detects vehicles passing over the induction loop and accurately indicates the speed of any vehicle so detected and the lane in which the vehicle is travelling; and
    - (ii) the device must be checked to ensure that the device—
      - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
      - (B) is set to operate in accordance with paragraph (c); and
    - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
    - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;

- (e) if that part of the road surface under which the induction loop is installed has 2 or more lanes for vehicles travelling in the same direction, the test referred to in paragraph (d)(i) is not required to be carried out in relation to each such lane in the same 28 day period provided that, once in every 28 days, the test is carried out in relation to 1 of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;
- (f) if—
  - (i) a test or check; or
  - (ii) in the case of a wet film camera—the film when developed; or
  - (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,

indicates a fault that has affected the proper operation of the device as required by these regulations, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;

- (g) the accuracy with which the device detects vehicle speeds must be tested on the day on which it is used (or on a day within the period of 27 days immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.
- (2) Where a photographic detection device referred to in regulation 29(1)(a) or (b)(iii) is used to provide evidence of reckless or dangerous driving offences or registration offences committed other than at an intersection, marked foot crossing or level crossing, the provisions of subregulation (1) must be complied with.

### **34—Operation and testing of photographic detection devices referred to in regulation 29(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings**

- (1) Where a photographic detection device referred to in regulation 29(1)(b)(i) or (ii) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing, the following provisions must be complied with:
- (a) the induction loop vehicle detector (*induction loop*) must be installed under the surface of the road;
  - (b) if a piezoelectric traffic sensor (*piezo strip*) forms part of the device, the piezo strip must be installed under the surface of the road together with the induction loop;
  - (c) the camera or cameras forming part of the device (other than a closed-circuit television camera) must be positioned and aimed, and the induction loop and the piezo strip (if any) linked up with the other parts of the device, so that when vehicles proceed over or continue past the part of the road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed, a photograph or series of photographs may be taken of the vehicles;
  - (d) the Variable Speed Limit Sign (*VSL*S) must be—

- (i) installed so that a speed limit sign displayed by the VSLS applies for the purposes of the *Australian Road Rules* (whether some or all of the time) to the length of road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed; and
  - (ii) linked up with the other parts of the device so that the speed limit (if any) indicated by the VSLS, and any changes in that speed limit, may be noted by, and used for the purposes of the operation of, the device;
- (e) the closed-circuit television camera must be positioned and aimed, and linked up with the other parts of the device, so that a video recording directed at the speed limit (if any) indicated by the VSLS referred to in paragraph (d) may be made;
- (f) the device must be programmed and set to operate so that if a vehicle is detected by the device passing over the induction loop and the piezo strip (if any) at a speed equal to or greater than a speed set on the device (being a speed set for all vehicles or for vehicles of a class, whether determined according to the number of axles of a vehicle or otherwise, that includes the detected vehicle)—
  - (i) at least 2 electronic records are made of the vehicle—
    - (A) at least 1 of which is made following a programmed delay after the first is made; and
    - (B) on at least 1 of which is recorded—
      - the speed of the vehicle as detected by the device; and
      - the speed limit (if any) indicated at that time by the VSLS referred to in paragraph (d) as noted by the device and the period for which that noted speed limit has remained constant; and
    - (C) on each of which is recorded the date, time and code for the location at which the record is made, together with the lane in which the vehicle is travelling; and
  - (ii) the following additional electronic records are made:
    - (A) a record containing a portion of the video recording referred to in paragraph (e), being a portion of that recording for a programmed period preceding the detection of the vehicle, on which is recorded the date and start and end times for the video recording;
    - (B) a record containing a still image taken from that portion of video recording, on which is recorded the information referred to in paragraph (f)(i)(C);
- (g) subject to paragraph (h), once in every 28 days—

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- (i) a test must be carried out (by reference to speeds not exceeding the speed limit applying to drivers driving vehicles on the length of road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed, and by reference to vehicles of any number of axles) to ensure that the device detects vehicles passing over the induction loop and the piezo strip (if any) and—
    - (A) accurately indicates the speed and (if a piezo strip forms part of the device) number of axles of any vehicle so detected and the lane in which the vehicle is travelling; and
    - (B) makes the video recording and still image referred to in paragraph (f)(ii); and
  - (ii) the device must be checked to ensure that the device—
    - (A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
    - (B) correctly notes the speed limit (if any) indicated by the VSLs referred to in paragraph (d); and
    - (C) is set to operate in accordance with paragraph (f); and
  - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
  - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (h) if that part of the road surface under which the induction loop and the piezo strip (if any) is (or are) installed has 2 or more lanes for vehicles travelling in the same direction, the test referred to in paragraph (g)(i) is not required to be carried out in relation to each such lane in the same 28 day period provided that, once in every 28 days, the test is carried out in relation to 1 of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;
- (i) if—
  - (i) a test or check; or
  - (ii) any electronic record referred to in paragraph (f) made by the device, indicates a fault that has affected the proper operation of the device as required by these regulations, the part of those electronic records affected by the fault must be rejected for evidentiary purposes;
- (j) the accuracy with which the device detects vehicle speeds must be tested on the day on which it is used (or on a day within the period of 27 days immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.
- (2) Where a photographic detection device referred to in regulation 29(1)(b)(i) or (ii) is used to provide evidence of reckless or dangerous driving offences or registration offences committed other than at an intersection, marked foot crossing or level crossing, the provisions of subregulation (1) must be complied with.

### **35—Operation and testing of photographic detection devices referred to in regulation 29(1)(c)**

- (1) Where a photographic detection device referred to in regulation 29(1)(c) is used to provide evidence of speeding offences, the following provisions must be complied with:
- (a) the device must be programmed, positioned and set to operate so that when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device—
    - (i) the camera forming part of or linked to the device takes an exposure, or makes an electronic record, of that vehicle from the front or from the rear; and
    - (ii) the date, time and code for the location at which the exposure is taken, or the electronic record is made, together with the speed and direction of travel of the vehicle as registered by the device, are recorded on the exposure or electronic record;
  - (b) after a person—
    - (i) sets up the device at a given location; or
    - (ii) inserts recording media into the camera at that location; or
    - (iii) relocates the device with recording media in place,the person must make a check to ensure that the device—
    - (iv) correctly indicates on an electronic display the date, time and code for the location where exposures are taken, or electronic records are made, by the camera; and
    - (v) is set to operate in accordance with the provisions of paragraph (a);
  - (c) the checks referred to in paragraph (b) must be repeated immediately before the device is removed from a given location;
  - (d) if—
    - (i) a check; or
    - (ii) in the case of a wet film camera—the film when developed; or
    - (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,indicates a fault that has affected the proper operation of the device as required by this regulation, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;
  - (e) if a photograph produced from an exposure or electronic record obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than 1 vehicle—
    - (i) in the portion of the photograph specified by the device's manufacturer as the portion that should depict the vehicle whose speed is being registered; and

- (ii) travelling in the direction recorded on the exposure or electronic record as the direction of travel of the vehicle whose speed is being registered,
    - that photograph must be rejected for evidentiary purposes;
  - (f) the accuracy with which the device registers vehicle speeds must be tested on the day on which it is used (or on the day immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.
- (2) Where a photographic detection device referred to in regulation 29(1)(c) is used to provide evidence of reckless or dangerous driving offences or registration offences, the provisions of subregulation (1) must be complied with.

### 36—Operation and testing of average speed cameras

- (1) Where a photographic detection device that is an average speed camera is used to provide evidence of speeding offences (being evidence of the average speed of vehicles between 2 average speed camera locations), the following provisions must be complied with:
- (a) the induction loop vehicle detector (*induction loop*) must be installed under the surface of the road;
  - (b) the camera or cameras forming part of the device at a given location must be positioned and aimed, and the induction loop linked up with the other parts of the device, so that when vehicles approach or pass the stub line at the average speed camera location, a photograph or series of photographs may be taken of the vehicles from the front or from the rear;
  - (c) the device must be programmed and set to operate so that—
    - (i) if a vehicle is detected by the device passing over the induction loop at or near a start location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear before the whole of the vehicle passes the stub line at that location; and
    - (ii) if a vehicle is detected by the device passing over the induction loop at or near an end location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear when or after any part of the vehicle reaches the stub line at that location;
  - (d) when the device is set up at a given start location and end location, the device must be checked (either on-site or from a remote location) to ensure—
    - (i) that—
      - (A) the correct date; and
      - (B) the correct time (being Australian Central Standard Time or Australian Central Daylight Time determined with the accuracy specified in regulation 38(1)(c)); and
      - (C) the correct codes for the start and end locations,
- are set on the device; and

- (ii) that the device is set to operate in accordance with paragraph (c), and thereafter the same checks must be carried out—
  - (iii) in the case of the check to ensure that the correct date and time are set on the device—at least once in relation to each day (either on the day or else subsequently by reference to records created on the day by the device); and
  - (iv) in every other case—once in every 28 days, and if a fault is indicated by a check referred to above, corrective action must be taken until no fault is indicated;
- (e) if—
- (i) a check; or
  - (ii) any electronic record made by the device,
- indicates a fault that has affected the proper operation of the device as required by these regulations, those electronic records affected by the fault must be rejected for evidentiary purposes.
- (2) Where a photographic detection device that is an average speed camera is used to provide evidence of reckless or dangerous driving offences, registration offences or average speed camera location offences, the provisions of subregulation (1) must be complied with.

### **37—Operation and testing of Safe-T-Cam photographic detection devices**

Where a Safe-T-Cam photographic detection device is used to provide evidence of an offence, the following provisions must be complied with:

- (a) the camera forming part of the device must be positioned and aimed so that, when activated, an electronic record is made of the number plate of the vehicle activating it;
- (b) the date, time and code for the location at which the electronic record of a vehicle is made must be recorded on the electronic record;
- (c) when the device is set up at a given location or temporarily moved or repaired, a person must make a check to ensure that the device is correctly positioned and aimed as referred to in paragraph (a) and correctly indicates on an electronic display the date, time and code for the location where the electronic records are made by the camera;
- (d) if—
  - (i) a check; or
  - (ii) an electronic record made by the camera,indicates a fault that has affected the proper operation of the device as required by this regulation, those electronic records affected by the fault must be rejected for evidentiary purposes.

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**Subdivision 4—Special provisions relating to average speed cameras****38—Average speed evidence (section 175A of Act)—identification of average speed cameras, average speed camera locations etc**

- (1) For the purposes of section 175A of the Act—
- (a) a notice under section 175A(3) of the Act must identify an average speed camera location by specifying—
    - (i) the road on which vehicles will be photographed by the average speed camera; and
    - (ii) the place on that road at which vehicles will be photographed, identified by reference to—
      - (A) a stub line at that place; and
      - (B) the approximate coordinates of the point at which that stub line meets the centre of the road; and
    - (iii) whether the average speed camera location is a start location or end location; and
    - (iv) the general direction of travel (for example, north bound) of vehicles moving between the 2 average speed camera locations for which this is the start or end location; and
  - (b) the shortest distance between 2 average speed camera locations along a route specified in a notice under section 175A(3) must be measured between the stub line at the start location and the stub line at the end location; and
  - (c) the time taken for a vehicle to travel between 2 average speed camera locations must be determined by reference to the total period elapsed between—
    - (i) a time before which the whole of the vehicle passes the stub line at the start location; and
    - (ii) a time at or after which any part of the vehicle reaches the stub line at the end location,where the time at each location is determined according to Australian Central Standard Time, or according to Australian Central Daylight Time, with an accuracy equal to or better than plus or minus 1 second.
- (2) A notice under section 175A(3) of the Act may, for the purposes of identifying an average speed camera location, include a reference to—
- (a) a nearby landmark or other feature; or
  - (b) the approximate distance along the road between the location and a specified town or intersection (or, if the location is at an intersection, by reference to that intersection),

but such a notice will not be regarded as defective on the basis of anything included or not included under this subregulation.

- (3) For the purposes of the definitions in section 175A(10) of the Act—
- (a) a photographic detection device of a kind referred to in regulation 29(1)(e) is an **average speed camera**;
  - (b) a **prescribed road law speeding offence** means—
    - (i) a speeding offence; or
    - (ii) a reckless or dangerous driving offence comprised of driving a vehicle at a speed which is dangerous to the public.

- (4) In this regulation—

**coordinates** means coordinates expressed in terms of either the Geocentric Datum of Australia 1994 or the World Geodetic System 1984;

**dividing line, marked lane** and **median strip** have the same respective meanings as in the *Australian Road Rules*;

**short white line** means a straight white line approximately 100 millimetres wide and 400 millimetres long;

**stub line** means a short white line, or series of short white lines, marked in a straight line on the sealed surface of 1 or both sides of a two-way road at right angles to a boundary of the road, with each short white line positioned—

- (a) if a side of the road has 1 or more marked lanes for vehicles travelling in the same direction—
  - (i) at or near the centre of each lane; or
  - (ii) at or near the left-hand side and at or near the right-hand side of each lane; or
- (b) if a side of the road has no marked lanes for vehicles travelling in the same direction—
  - (i) at or near the centre of the sealed portion of that side of the road; or
  - (ii) at or near the left-hand side and at or near the right-hand side of the sealed portion of that side of the road,

and includes the whole of the straight line formed by the short white line or series of short white lines as well as the extension of that straight line—

- (c) to each boundary of the road; or
- (d) where the short white line or lines is or are marked on 1 side of the road only, to the boundary on that side of the road and to the centre of the road;

**two-way road** means a road divided by a dividing line or median strip into 2 sides, 1 of which is for vehicles travelling in 1 direction and the other of which is for vehicles travelling in the opposite direction.

### **39—Evasive action in relation to average speed camera**

The driver of a vehicle must not take any action, other than a contravention referred to in Schedule 4 Part 1 clause 3, that is designed to avoid an electronic record being made of the vehicle through the operation of an average speed camera as the vehicle is driven towards, through or away from an average speed camera location.

Maximum penalty: \$2 500.

### **Subdivision 5—Special provisions relating to Safe-T-Cam photographic detection devices**

#### **40—Heavy vehicles and minimum allowable travel time**

- (1) The driver of a heavy vehicle must not take a shorter length of time than the minimum allowable travel time when driving the vehicle between 2 Safe-T-Cam photographic detection devices.

Maximum penalty: \$2 500.

- (2) The minimum allowable travel time between 2 particular Safe-T-Cam photographic detection devices is the time determined in respect of those devices by the Minister from time to time and notified in the Gazette.
- (3) For the purposes of calculating a driver's travel time between 2 Safe-T-Cam photographic detection devices, any rest time recorded in the driver's work diary under the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008* or the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)* as having been taken between the devices may be deducted from the driver's travel time.

#### **41—Same person not liable for more than 1 offence evidenced by same electronic record**

- (1) A person may not be found guilty of a relevant offence relating to a vehicle on the basis of evidence of an electronic record, produced through the operation of a Safe-T-Cam photographic detection device, of the number plate of the vehicle if—
  - (a) the person has been found guilty of another relevant offence on the basis of evidence of the same electronic record; or
  - (b) the person has expiated another relevant offence and the allegation relating to that other relevant offence was based on evidence of the same electronic record.
- (2) In this regulation—

*relevant offence* means a speeding offence or an offence against regulation 40(1).

#### **42—Evasive action in relation to Safe-T-Cam photographic detection device**

The driver of a heavy vehicle must not take any action, other than a contravention referred to in Schedule 4 Part 1 clause 4, designed to avoid an electronic record being made through the operation of a Safe-T-Cam photographic detection device of the number plate of the vehicle as the vehicle is driven towards or away from the photographic detection device.

Maximum penalty: \$2 500.

### **43—Evidentiary**

In proceedings for a speeding offence, a document produced by the prosecution, purporting to be signed by the Minister and certifying the shortest distance, expressed in metres, that would be travelled by a vehicle on a road between 2 points, will be accepted as proof, in the absence of proof to the contrary, of the distance so certified.

## **Part 4—Vehicle identification**

### **44—Vehicle identification plates and numbers (section 110C of Act)**

- (1) For the purposes of section 110C(8) of the Act, a vehicle identification plate or plate bearing a vehicle identification number on a motor vehicle or trailer may be removed only—
  - (a) if it is essential to do so in order to effect necessary repairs to the vehicle or trailer and the plate is put back in the same place on the vehicle as soon as is practicable; or
  - (b) with the approval of an authorised officer.
- (2) An authorised officer may issue a South Australian State identification plate to replace the vehicle identification plate for a motor vehicle or trailer, and may approve its placement on the vehicle or trailer, if the vehicle identification plate has been destroyed, removed from the vehicle or trailer or damaged and, in the opinion of the authorised officer, it is appropriate that a replacement plate be issued and placed on the vehicle or trailer.
- (3) An authorised officer may allot a number for placement on a motor vehicle or trailer as the vehicle identification number for the vehicle or trailer, and may approve its placement on the vehicle or trailer, if the previous vehicle identification number for the vehicle or trailer has been altered, defaced or obliterated and it is, in the opinion of the authorised officer, appropriate that a replacement number be allotted and placed on the vehicle or trailer.
- (4) An authorised officer may allot a number for placement on the engine block of a motor vehicle as the engine number for the vehicle's engine, and may approve its placement on the engine block, if the previous engine number for the engine has been altered, defaced or obliterated and it is, in the opinion of the authorised officer, appropriate that a replacement number be allotted and placed on the engine block.
- (5) A plate or number removed from a motor vehicle or trailer by an authorised officer under section 110C(7) of the Act must be destroyed by the authorised officer.



## Part 5—Vehicle safety

### 45—Defect notices—prescribed classes of light vehicles (section 145(1b) of Act)

For the purposes of section 145(1b) of the Act, the following classes of light vehicles are prescribed:

- (a) prime movers;
- (b) commercial motor vehicles;
- (c) trailers.

### 46—Formal written warnings, defect notices etc (section 145 of Act)

A formal written warning, defect notice or defective vehicle label issued under section 145 of the Act must be in a form approved by the Minister.

### 47—Authorisations (section 145(8) of Act)

- (1) The Minister may, on application by a person in a form approved by the Minister, authorise the applicant to exercise any of the powers of an authorised officer under section 145 of the Act, if satisfied (on the basis of evidence provided by the applicant) that the applicant—
  - (a) is fully qualified in 1 or more of the following trades:
    - (i) Motor Mechanic;
    - (ii) Motor Mechanic, Diesel;
    - (iii) Brake Mechanic;
    - (iv) Motor Cycle Mechanic;
    - (v) any other trade that provides skills equivalent to the skills of a trade referred to above; and
  - (b) has successfully completed any training courses approved by the Minister for the purposes of section 145 of the Act; and
  - (c) is the holder of an appropriate driver's licence granted and in force under Part 3 of the *Motor Vehicles Act 1959* or an appropriate interstate licence within the meaning of that Act; and
  - (d) has an adequate knowledge of the requirements of the Act relating to motor vehicles; and
  - (e) is a fit and proper person to be authorised to exercise any of the powers of an authorised officer under section 145 of the Act.
- (2) The Minister may authorise a person in another State or a Territory of the Commonwealth who has similar powers under the laws of that State or Territory to those of an authorised officer under section 145 of the Act to exercise a power of an authorised officer under that section to—
  - (a) examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle have been made; or
  - (b) issue a clearance certificate in relation to a vehicle; or

- (c) cause a defective vehicle label affixed to a vehicle to be defaced or removed from the vehicle.
- (3) The Minister must maintain a record of authorisations issued under section 145(8) of the Act and must make that record available for public inspection.

#### **48—Prescribed class of light vehicles (section 161A of Act)**

For the purposes of section 161A of the Act, wind-powered light vehicles commonly known as land yachts are prescribed.

#### **49—Seat belts and seat belt anchorages (section 162A of Act)**

- (1) Subject to subregulations (7) and (8), vehicles manufactured on or after 1 January 1969 are exempt from the provisions of section 162A of the Act and this regulation.
- (2) The provisions of this regulation apply for the purposes of section 162A of the Act.
- (3) A car, car-type utility or car-type panel van first registered after 30 June 1964 must be fitted with—
  - (a) anchorages for a seat belt suitably placed for use by the driver; and
  - (b) anchorages for a seat belt suitably placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.
- (4) An anchorage required to be fitted in accordance with subregulation (3) must—
  - (a) in the case of a vehicle first registered after 30 June 1964 but before 10 November 1966—comply with the specification for anchorages published in the Gazette of 28 May 1964, page 1180; or
  - (b) in the case of a vehicle first registered on or after 10 November 1966 but before 8 February 1968—comply with the specification for anchorages published in the Gazette of 10 November 1966, page 1927; or
  - (c) in the case of a vehicle first registered on or after 8 February 1968 but before 15 January 1970—comply with the specification for anchorages published in the Gazette of 8 February 1968, page 346; or
  - (d) in the case of a vehicle first registered on or after 15 January 1970—comply with the *Australian Standards Specification for Seat Belt Anchorage Points*—(A.S.D. 11–1967).
- (5) A car, car-type utility or car-type panel van first registered on or after 1 January 1967 must be fitted with—
  - (a) a seat belt suitably placed for use by the driver; and
  - (b) at least 1 other seat belt placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.
- (6) A seat belt required to be fitted in accordance with subregulation (5) must—
  - (a) comply with—
    - (i) *Australian Standards Specification for Seat Belt Assemblies for Motor Vehicles*—(A.S. E35—1965); or

- (ii) in the case of a retractor seat belt—*Australian Standards Specification for Seat Belt Assemblies (including Retractors) for Motor Vehicles*—(A.S. E35 Part II—1970); or
  - (iii) *Australian Standard for Seat Belt Assemblies for Motor Vehicles* (A.S. 2596—1983); and
- (b) be clearly and permanently marked with a prescribed certification mark.
- (7) Seat belts and anchorages for seat belts in motor vehicles (whenever manufactured) must be maintained in sound condition and good working order.
- (8) A person must not sell, or offer for sale, for use in a motor vehicle (whenever manufactured) a seat belt or part of a seat belt—
- (a) that fails to comply with the requirements of an Australian Standard or Australian Standards Specification referred to in subregulation (6)(a); or
  - (b) that has been removed from a motor vehicle in which it has previously been used.

Maximum penalty: \$2 500.

**Note—**

The *Road Traffic (Light Vehicle Standards) Rules 2013* apply certain ADRs to light vehicles. The ADRs do not cover vehicles manufactured before 1 January 1969.

## **50—Child restraints, safety harnesses, booster seats etc**

- (1) The following devices are approved as child restraints:
- (a) a device that complies with the *Australian Standard Specification for Child Restraining Devices for Passenger Cars* (AS E46) and is clearly marked with a prescribed certification mark certifying compliance with the standard;
  - (b) a device that complies with Australian/New Zealand Standard (AS/NZS) 1754—*Child restraint systems for use in motor vehicles* and is clearly marked with a prescribed certification mark certifying compliance with the standard.
- (2) A booster seat or booster cushion—
- (a) that is an approved child restraint under subregulation (1); or
  - (b) that—
    - (i) is an integrated part of a motor vehicle; and
    - (ii) was installed by the manufacturer of the motor vehicle to enable an existing adult lap and sash type seat belt to become suitable for use by a child; and
    - (iii) complies with the relevant ADR for child restraints of the type concerned,
 is an approved booster seat.
- (3) A child safety harness that is an approved child restraint under subregulation (1) is an approved child safety harness.

- (4) For the purposes of section 162A of the Act, a child restraint fitted to a motor vehicle must—
- (a) only be used in accordance with the manufacturer's specifications; and
  - (b) be securely attached to an anchorage for a child restraint fitted to that vehicle and to such other anchorages for seat belts fitted to that vehicle as are specified by the manufacturer of the child restraint; and
  - (c) be maintained in sound condition and good working order.
- (5) A person must not sell, or offer for sale, for use in a motor vehicle as a child restraint, child safety harness, booster seat or booster cushion, or part of such a device, a device or part that is not approved under subregulation (1).  
Maximum penalty: \$2 500.
- (6) For the purposes of this regulation, a device complies with a standard if it complies with the edition of the standard that was in force at the time of its manufacture in Australia or its importation into Australia (as the case may be) or with any later edition of the standard.
- (7) In this regulation—  
*relevant ADR*, in relation to an integrated booster seat or cushion in a motor vehicle, means the ADR that was in force at the time the vehicle was manufactured in Australia or imported into Australia (as the case may be) or with any later version of the ADR.

## 51—Safety helmets for riders of motor bikes and bicycles (section 162B of Act)

- (1) A helmet is approved for motor bike riders if—
- (a) it complies with a prescribed standard as in force—
    - (i) at the time the helmet was manufactured in, or imported into, Australia (as the case may be); or
    - (ii) at any later time; and
  - (b) bears a relevant certification mark.
- (2) A person must not sell, or offer for sale, a helmet for use by a motor bike rider or passenger on a motor bike unless the helmet complies with subregulation (1)(a).  
Maximum penalty: \$2 500.
- (3) Helmets are approved for bicycle riders if they meet the impact attenuation requirement of Australian Standard 2063.
- (4) A person must not sell, or offer for sale, a helmet for use by a bicycle rider unless the helmet meets the impact attenuation requirement of Australian Standard 2063.  
Maximum penalty: \$2 500.
- (5) In this regulation—  
*prescribed standard* means—
- (a) Australian Standard 1698—1988—*Protective helmets for vehicle users (AS 1698—1988)*; or

- (b) Australian/New Zealand Standard 1698:2006—*Protective helmets for vehicle users (AS/NZS 1698:2006)*; or
- (c) United Nations Economic Commission for Europe Regulation No 22 *Uniform provisions concerning the approval of protective helmets and their visors for drivers and passengers of motor cycles and mopeds*, incorporating the 05 series of amendments, (ECE 22.05),

as in force from time to time;

**relevant certification mark** means—

- (a) where the mark relates to compliance with AS 1698—1988 or AS/NZS 1698:2006—
  - (i) a prescribed certification mark; or
  - (ii) the certification mark of a body declared by the Minister by notice in the Gazette to be an approved body for the purpose of certifying compliance with the relevant standard; or
- (b) where the mark relates to compliance with ECE 22.05—an international approval mark in accordance with ECE 22.05.

## **52—Safety helmets and riders of wheeled recreational devices and wheeled toys (section 162C of Act)**

- (1) For the purposes of section 162C of the Act, safety helmets must meet the impact attenuation requirement of Australian Standard 2063.
- (2) A person must not sell, or offer for sale, a helmet for use by a rider of a wheeled recreational device or wheeled toy unless the helmet meets the impact attenuation requirement of Australian Standard 2063.

Maximum penalty: \$2 500.

## **53—Modification of motor vehicles**

- (1) A light motor vehicle must not be driven or towed on a road if it does not comply with the requirements of this regulation.
- (2) If a light motor vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.  
Maximum penalty: \$2 500.
- (3) A car, car-type utility or car-type panel van must not be altered from its specification as originally manufactured in any of the following respects:
  - (a) fitting of an engine of greater displacement volume, or of greater power or torque output, than an engine available as an option for the vehicle so as to exceed the efficient functioning capacity of the braking system provided for the vehicle;
  - (b) fitting of an engine of greater displacement volume, or of greater power or torque output, than an engine available as an option for the vehicle with the braking system provided at the time of the manufacture of the vehicle;
  - (c) modification to a braking system—

- (i) that consists of fitting of a smaller diameter brake drum, or narrower brake drum or brake shoe that reduces the swept area of braking surface; or
    - (ii) that reduces the mass of a brake drum or disc;
  - (d) widening of the wheel track of front or rear wheels by more than 26 millimetres beyond the maximum specified by the vehicle's manufacturer;
  - (e) fitting of spacers between wheels and hubs additional to any provided by the vehicle's manufacturer;
  - (f) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle's manufacturer, or wheel nuts that do not match with the taper on the wheel;
  - (g) modifications to axles or suspension (including axle housings or supporting structures but not including springs, dampers, bushes or ball joints) that reduce the available suspension travel from static conditions to full bump position by more than one-third of that provided by the vehicle's manufacturer;
  - (h) modifications to axles or suspension such that any part of the vehicle other than the tyre or rim will contact a road surface in the case of the deflation of any tyre;
  - (i) welding or heating of axles, stub axles, steering arms or steering knuckle supports;
  - (j) lengthening or shortening of the chassis frame or of a mono-construction (chassis-less) body structure;
  - (k) alterations affecting any steering components or the steering geometry.
- (4) A light motor vehicle (other than a car, car-type utility, car-type panel van or motor bike) must not be altered from its specification as originally manufactured in any of the following respects:
  - (a) fitting of an engine of greater displacement volume, or of greater power or torque output, than an engine available as an option for the vehicle;
  - (b) alterations to a braking system;
  - (c) widening of the wheel track of the front or rear wheels by more than 26 millimetres beyond the maximum specified by the vehicle's manufacturer;
  - (d) fitting of spacers between wheels and between wheels and hubs additional to any provided by the vehicle's manufacturer;
  - (e) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle's manufacturer, or wheel nuts that do not match with the taper on the wheels;
  - (f) alterations to the wheelbase;
  - (g) alterations to the number of axles;
  - (h) alterations affecting any steering components or the steering geometry;
  - (i) replacement of any axle with another axle other than an axle available as an option provided by the vehicle's manufacturer for the vehicle.

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**54—Wheels and tyres**

- (1) A light vehicle must not be driven or towed on a road if it does not comply with the requirements of this regulation.
- (2) If a light vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.  
Maximum penalty: \$2 500.
- (3) Every road wheel fitted to an axle of a motor vehicle or trailer that is a light vehicle must—
  - (a) conform to 1 of the dimensional standards for wheel rims set down in the Tyre and Rim Standards Manual; and
  - (b) not have a circumferential weld other than one that attaches the rim to the wheel centre; and
  - (c) be of the same rim width and have the same offset of the rim relative to the mounting face; and
  - (d) if fitted to a motor vehicle manufactured on or after 1 July 1985, be either—
    - (i) provided as original equipment or as original equipment replacement by the vehicle's manufacturer; or
    - (ii) indelibly marked with the wheel's nominal diameter, width and offset and with identification of the manufacturer of the wheel and the standard to which the wheel was manufactured.
- (4) The tyres and wheels fitted to a motor vehicle or trailer that is a light vehicle must be such that—
  - (a) sufficient clearance is provided so that none of the tyres or wheels will touch any part of the vehicle, other than at the point of attachment, under operating conditions; and
  - (b) none of the tyres protrudes beyond the mudguard or body structure when viewed from above with the wheels in a straight ahead position; and
  - (c) tyres fitted to the same axle are all of the same tyre size designation.
- (5) Despite the requirements of any other regulation or rule under the Act, a light motor vehicle that is required to comply with ADR 24 or the tyre and rim selection requirements of ADR 42 may be—
  - (a) equipped with tyres other than those listed on the tyre placard fitted to the vehicle, provided that—
    - (i) the load of a tyre fitted is not less than the lowest load listed on the tyre placard; and
    - (ii) the overall diameter of a wheel and tyre fitted is not more than 15 millimetres greater than that advised in the Tyre and Rim Standards Manual for the largest tyre size listed on the placard and not more than 15 millimetres less than that advised in the Manual for the smallest tyre size listed on the placard; or
  - (b) equipped with wheels wider than those listed on the tyre placard; or

- (c) equipped with wheels with a rim diameter other than a rim diameter (if any) listed on the tyre placard.
- (6) Despite the requirements of any other regulation or rule under the Act (including subregulation (5)), a light motor vehicle that has 3 or more wheels may be fitted with a wheel or tyre that does not comply with those requirements if—
  - (a) the wheel or tyre is being used in an emergency as part of a temporary replacement wheel and tyre combination that complies with the requirements of this subregulation; and
  - (b) the wheel and tyre combination is recommended by the vehicle's manufacturer as suitable for use on the vehicle; and
  - (c) any conditions specified by the vehicle's manufacturer in relation to the use of the wheel and tyre combination are complied with; and
  - (d) the vehicle is not driven at a speed exceeding 80 kilometres per hour; and
  - (e) only 1 temporary replacement wheel and tyre combination is fitted to the vehicle at any 1 time.
- (7) In this regulation—

*Tyre and Rim Standards Manual* means the Tyre and Rim Standards Manual issued by the Tyre and Rim Association of Australia as in force at any time before or after the commencement of this regulation.

## 55—Sprocket drive vehicles

A motor vehicle (not being a motor bike or motor trike) fitted with a chain and sprocket drive must not be driven on a road unless it is so constructed that every chain and sprocket of the drive is fitted with a cover, guard or screen in such a manner as to remove any risk of any person accidentally coming into contact with the chain or sprocket.

Maximum penalty: \$2 500.

## 56—Bicycle trailers

- (1) A person who rides a bicycle—
    - (a) must not tow another vehicle on a road unless that other vehicle is a bicycle trailer that complies with the requirements of this regulation; and
    - (b) must not tow more than 1 vehicle.
- Maximum penalty: \$2 500.
- (2) A bicycle trailer, when towed at night, or in hazardous weather conditions causing reduced visibility, must be fitted with either 1 or 2 lighted lamps displaying a red light that is clearly visible for at least 200 metres from the rear and affixed to the rear of the trailer as follows:
    - (a) in the case of 1 lamp—in the centre or on the right-hand side of the centre of the trailer;
    - (b) in the case of 2 lamps—an even distance in the same horizontal plane on either side of the centre of the trailer;

- (c) in either case—with the centre of the lamp not less than 330 millimetres and not more than 1 metre above the ground.
- (3) A bicycle trailer must be fitted with 2 red reflectors in accordance with the following requirements:
  - (a) each reflector must be such as to be clearly visible at night for at least 50 metres from the rear when light is projected onto it by a vehicle's headlight on low-beam;
  - (b) the reflectors must be fitted symmetrically to the rear of the trailer, with 1 on each side;
  - (c) the centre of each reflector must be not less than 330 millimetres and not more than 1 metre above the ground.
- (4) A bicycle trailer, and any equipment or load on the trailer, must not exceed 850 millimetres in width.
- (5) A bicycle trailer must be attached to the bicycle by—
  - (a) a coupling constructed and fitted so that—
    - (i) it will permit an adequate amount of angular movement between the alignment of the bicycle and the trailer; and
    - (ii) the strength of the coupling (and of any brackets or other means of securing the coupling to the bicycle and the trailer) is sufficient to prevent the trailer and its equipment and load from becoming separated; and
  - (b) a safety connection consisting of a chain, cable or other non-rigid connection affixed to a substantial portion of the trailer and constructed and fitted so that—
    - (i) it will hold the trailer in tow in the event of the failure or detachment of the coupling; and
    - (ii) it is not liable to accidental disconnection and permits all normal angular movements of the coupling without more slack than is necessary for that purpose.



## Part 6—Central Inspection Authority

### 57—Prescribed class of vehicles (section 163C(1) of Act)

For the purposes of section 163C(1) of the Act, buses are vehicles of a prescribed class, other than buses that are used to provide passenger transport services within the meaning of the *Passenger Transport Act 1994*.

### 58—Prescribed period (section 163D(1a) of Act)

For the purposes of section 163D(1a) of the Act, a period of 12 months commencing on 1 July is a prescribed period.

### 59—Certificate of inspection (section 163D(2) of Act)

- (1) For the purposes of section 163D(2) of the Act, a certificate of inspection must be in the form set out in Schedule 1 Form 8.
- (2) A certificate of inspection must be issued by the Authority on the condition that, during the currency of the certificate, an inspection label supplied by the Authority is firmly affixed in an upright position to the vehicle—
  - (a) to the inside surface of the front windscreen in a corner on the opposite side of the windscreen to the driver's position; or
  - (b) in the case of a vehicle that has a pivoted, hinged or fixed side window adjacent to the front windscreen on the opposite side of the windscreen to the driver's position—to the inside surface of that window,

but not so as to obstruct the driver's vision.

### 60—Design, maintenance etc requirements for vehicles to which Part 4A of Act applies

- (1) For the purposes of sections 163D(3)(b) and 163F of the Act, the prescribed requirements relating to design, construction and safety are the requirements relating to design, construction and safety contained in the Code of Practice for Buses, stipulated by the Central Inspection Authority, as in force from time to time (the *Code of Practice*), to the extent to which those requirements are consistent with the vehicle standards.
- (2) For the purposes of sections 163D(3a), 163F and 163GA of the Act, the prescribed scheme of maintenance is the scheme specified in section 15 of the Code of Practice.
- (3) For the purposes of section 163GA(1)(a)(i) of the Act, the particulars of prescribed maintenance and repair work carried out on a vehicle are the particulars of maintenance and repair work specified in section 15 of the Code of Practice.
- (4) For the purposes of section 163GA(1)(a) of the Act, the prescribed form is the appropriate form set out in the First Schedule of the Code of Practice.
- (5) For the purposes of section 163GA(1)(b) of the Act, the records in the form of Part 1 of the First Schedule of the Code of Practice must be retained for a period of not less than 6 months and those in the form of Part 2 of the First Schedule of the Code of Practice must be retained for a period of not less than 12 months.

- (6) In this regulation—
- vehicle standards***—
- (a) in relation to a heavy vehicle—means the heavy vehicle standards under the *Heavy Vehicle National Law (South Australia)*;
  - (b) in relation to a light vehicle—means the light vehicle standards.

## Part 7—Miscellaneous

### 61—Emergency workers and employing authorities (sections 45 and 46 of Act)

- (1) For the purposes of the definition of *emergency worker* in sections 45(5) and 46(6) of the Act, the following persons are emergency workers for the purposes of those sections:
  - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
  - (b) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc.
- (2) For the purposes of paragraph (b) of the definition of *employing authority* in sections 45(5) and 46(6) of the Act, the employing authority for a person who is an emergency worker for the purposes of the relevant section is—
  - (a) in relation to an emergency worker referred to in subregulation (1)(a)—
    - (i) if the emergency worker is a member of the South Australian Metropolitan Fire Service—the Chief Officer of SAMFS; or
    - (ii) if the emergency worker is a member of the South Australian Country Fire Service—the Chief Officer of SACFS; or
    - (iii) if the emergency worker is a member of the South Australian State Emergency Service—the Chief Officer of SASES; or
  - (b) in relation to an emergency worker referred to in subregulation (1)(b)—the Chief Executive of SA Ambulance Service Inc.

### 62—Emergency workers (sections 83 and 110AAAA of Act)

- (1) For the purposes of section 83 of the Act and the definition of *emergency vehicle* in section 110AAAA of the Act, the following are defined to be emergency workers:
  - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
  - (b) authorised officers under the *Emergency Management Act 2004*;
  - (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
    - (i) SA Ambulance Service Inc; or
    - (ii) St Johns Ambulance Australia South Australia Incorporated;
  - (d) any other persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008*;
  - (e) members of the Australian Federal Police or Australian Border Force;
  - (f) members of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency;

- (g) employees of Airservices Australia engaged in fire fighting duties or duties in connection with an emergency.
- (2) For the purposes of subregulation (1)(e), a person is a member of the Australian Border Force if—
  - (a) —
    - (i) the person is covered by paragraph (a) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
    - (ii) he or she is in the Australian Border Force (as defined in that Act); or
  - (b) —
    - (i) the person is covered by paragraph (b), (c) or (d) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
    - (ii) his or her services have been made available to the Australian Border Force or he or she is performing services for the Australian Border Force.

### 63—Prescribed provisions (sections 174A, 174B, 174C and 174D of Act)

- (1) For the purposes of—
  - (a) section 174A of the Act (Liability of vehicle owners and expiation of certain offences); and
  - (b) section 174B of the Act (Further offence for continued parking contravention); and
  - (c) section 174D of the Act (Proceedings for certain offences may only be taken by certain officers or with certain approvals),the following are prescribed provisions:
  - (d) the provisions of Part 12 of the *Australian Road Rules* (Restrictions on stopping and parking);
  - (e) regulation 66 of these regulations (Prohibition on parking in certain public places).
- (2) For the purposes of section 174C of the Act (Council may grant exemptions from certain provisions), the following are prescribed provisions:
  - (a) the provisions of Part 8, Division 3 of the *Australian Road Rules* (Signs for trucks, buses and other large vehicles);
  - (b) the provisions of Part 12, Division 2 of the *Australian Road Rules* (No stopping and no parking signs and road markings);
  - (c) the provisions of Part 12, Division 5 of the *Australian Road Rules* (Stopping in zones for particular vehicles);
  - (d) rule 195 of the *Australian Road Rules* (Stopping at or near a bus stop);
  - (e) rule 200 of the *Australian Road Rules* (Stopping on roads—heavy and long vehicles);

- (f) rule 205 of the *Australian Road Rules* (Parking for longer than indicated);
- (g) rule 207 of the *Australian Road Rules* (Parking where fees are payable);
- (h) regulation 66 of these regulations (Prohibition on parking in certain public places).

#### **64—Prohibition of vehicles carrying dangerous substances on certain roads**

- (1) A vehicle must not be driven or towed on a portion of a road to which this regulation applies if the vehicle contains or is otherwise transporting a dangerous substance.
- (2) If a vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

Maximum penalty: \$2 500.

- (3) Subregulation (1) does not apply if the substance—
  - (a) is in liquid form and does not exceed 25 litres in volume; or
  - (b) is in solid or gaseous form and does not exceed 45 kg in mass; or
  - (c) is fuel for the motor of the vehicle.
- (4) In this regulation—

*dangerous substance* has the meaning given to *dangerous goods* by the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*.
- (5) This regulation applies to—
  - (a) the portion of Road Number 8832 Riddoch Highway (Mount Gambier—Port MacDonnell) known as Bay Road, Mount Gambier, that lies between an imaginary line formed by the prolongation of the western boundary of section 391, Waterworks Reserve, Hundred of Blanche across the road and an imaginary line 30 metres south of and parallel to an imaginary line formed by the prolongation of the southern boundary of allotment 22 Filed Plan 321 across the road;
  - (b) the portion of John Watson Drive, Mount Gambier that lies between an imaginary line formed by the prolongation of the northern boundary of section 415, Hundred of Blanche, across the road and an imaginary line formed by the prolongation of the northern-most boundary of section 414, corporation reserve, Hundred of Blanche across the road;
  - (c) the portion of Road Number 6604 Ocean Boulevard, City of Marion that lies between an imaginary line formed by the prolongation of the northern boundary of Majors Road across the road, and an imaginary line formed by the prolongation of the eastern boundary of Brighton Road across the road.

#### **65—Prohibition on towing more than 1 vehicle**

- (1) Subject to this regulation, a light motor vehicle towing more than 1 vehicle must not be driven on a road.
- (2) If a light motor vehicle is driven in contravention of subregulation (1), the driver and the owner and the operator of the motor vehicle are each guilty of an offence.

Maximum penalty: \$2 500.

- (3) Subregulation (1) does not apply to a tractor towing 2 vehicles.

## 66—Prohibition on parking in certain public places

- (1) A person must not park a vehicle (other than a bicycle) in a public place owned by or under the care, control or management of a council or parking authority except in an area specifically set aside for parking by the council or parking authority.

Maximum penalty: \$1 250.

- (2) In this regulation—

*parking authority* means a road authority (other than the Commissioner of Highways or a council) that has the care, control or management of a road on, above or near which the road authority has, with the approval of the Minister under section 17 of the Act, installed, maintained, altered or operated, or caused to be installed, maintained, altered or operated, traffic control devices for the purposes of Part 12 of the *Australian Road Rules* (Restrictions on stopping and parking).

## 67—Prohibition on fishing etc from certain bridges

- (1) The Minister may, if of the opinion that it is appropriate to do so in the interests of road safety, by notice in the Gazette, prohibit fishing or other specified activities from a specified bridge or causeway.

- (2) The Minister may, by notice in the Gazette, vary or revoke a notice under this regulation.

- (3) A person must not contravene a notice under this regulation.

Maximum penalty: \$750.

## 68—Prohibition on dogs on certain bicycle paths

- (1) A person who owns or has possession or control of a dog must ensure that the dog does not enter or remain on a bicycle path to which this regulation applies.

Maximum penalty: \$750.

- (2) In proceedings for an offence of contravening subregulation (1), an allegation in the complaint that a specified person was the owner or had possession or control of a specified dog at a specified time will be accepted as proved in the absence of proof to the contrary.

- (3) This regulation applies to the bicycle path adjacent to the Southern Expressway that commences at Seacombe Road at Bedford Park and proceeds generally southerly on the eastern side of the carriageway of the Expressway to a point approximately 250 metres north of the intersection of the Expressway, South Road and Panalatinga Road at Trott Park, then generally southerly between the western side of the Expressway off-ramp and the eastern side of the Expressway carriageway to the intersection of Panalatinga Road and Old South Road at Old Reynella.

## 69—Determination of mass

- (1) For the purposes of determining the mass of a vehicle—

- (a) a weighbridge—

- (i) must have a steel or concrete platform or, if a wooden platform, must be verified, re-verified or certified, and marked with an inspector's mark or licensee's mark, in accordance with the *National Measurement Act 1960* of the Commonwealth; and

- 
- (ii) must be so situated as to have sufficient space for vehicles usually weighed on the weighbridge to be driven or drawn on and off without turning on the platform; and
  - (iii) must have a level surface so that no point on the surface on which the mass to be measured bears is more than 15 millimetres above or below any other point on that surface; and
  - (iv) must operate within the appropriate limits of error for that type of weighbridge that may be tolerated under the *National Measurement Act 1960* of the Commonwealth; and
- (b) in order to determine the mass of a vehicle with or without its load and the mass carried on any 2 or more axles of a vehicle on a weighbridge, it is not necessary to measure the mass carried on all the relevant axles simultaneously, but the mass may be determined by aggregating the measurements of mass taken separately in relation to the axles in question, provided that in determining the mass carried on a vehicle having an axle group or axle groups, the axles within each group must be measured as a whole; and
  - (c) when an approved instrument for determining mass is used in order to determine the mass of a vehicle with or without its load and the mass carried on any 2 or more axles of a vehicle, the mass may be determined by aggregating the measurements of mass taken simultaneously or separately in relation to the axles in question, provided that, in determining the mass carried on individual axles of an axle group, all of the axles within that group must be measured simultaneously and must, as far as possible in the circumstances, be in the same plane.
- (2) In this regulation—
- approved instrument for determining mass*** means an instrument for determining mass approved in writing by the Minister for the purposes of this regulation.

## 70—Proof of GTM

In proceedings for an offence against the *Road Traffic Act 1961* involving a breach of a regulation or rule made under that Act, an allegation in a complaint that a specified mass was the GTM of a specified vehicle is proof of the matter so alleged in the absence of proof to the contrary.

## 71—Exemptions

- (1) The Minister may, by instrument in writing or notice in the Gazette exempt—
  - (a) a person or class of persons; or
  - (b) a vehicle or class of vehicles,from a specified provision of these regulations, unconditionally or subject to specified conditions.
- (2) The Minister may, by instrument in writing or notice in the Gazette, vary or revoke an exemption under this regulation.



## Schedule 1—Forms

### Form 1—Notice of licence disqualification or suspension (Sections 45B and 47IAA of Act)



Schedule 1 Road Traffic (Miscellaneous) Regulations 2014

**NOTICE OF LICENCE  
DISQUALIFICATION OR SUSPENSION**  
under section 47IAA or section 45B Road Traffic Act 1961

NOTICE NUMBER:
APT/IN REF:

FAMILY NAME: ..... LICENCE NUMBER: ..... STATE OF ISSUE: ..... PHONE: .....  
GIVEN NAMES: ..... DATE OF BIRTH: [ ][ ][ ][ ][ ][ ][ ][ ][ ] SEX: M / F  
ADDRESS: ..... SUBURB / TOWN: ..... POST CODE: .....

**Notice under section 47IAA Road Traffic Act 1961 (category 2 or 3 offences and refuse/fail to comply offences)**

It is alleged that at about ..... am/pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ] at ..... (location) you committed the offence of:

<input type="checkbox"/> category 2 offence - blood alcohol concentration of 0.08 to 0.149 (Section 47B(1) Road Traffic Act 1961)  <input type="checkbox"/> refuse/fail to comply with directions in relation to drug screening test, oral fluid analysis or blood sample (Section 47EAA(9) Road Traffic Act 1961)	<input type="checkbox"/> category 3 offence - blood alcohol concentration of or above 0.15 (Section 47B(1) Road Traffic Act 1961)  <input type="checkbox"/> refuse/fail to comply with directions in relation to alcoltest or breath analysis (Section 47E(3) Road Traffic Act 1961)  <input type="checkbox"/> refuse/fail to comply with request for blood sample (Section 47I(14) Road Traffic Act 1961, as a driver of a motor vehicle involved in an accident )
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As a result of this allegation, your driver's licence is suspended or you are disqualified from holding or obtaining a driver's licence for the relevant period as defined in section 47IAA of the Act, being a period of up to:

6 months       12 months

The licence suspension or disqualification commences:

forthwith - at the time the notice is given to you  
 48 hours after the notice is given to you  
 If your driver's licence is already suspended or you are already disqualified from holding or obtaining a driver's licence, this notice will take effect at the conclusion of that suspension or disqualification.

**Notice under section 45B Road Traffic Act 1961 (excessive speed offences)**

At about ..... am/pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ] at ..... (location) an offence was allegedly committed in respect of which you have been given an expiation notice for an offence against:

<input type="checkbox"/> Section 45A of the Road Traffic Act 1961 ( <i>Excessive speed</i> ) As a result of this allegation, your driver's licence is suspended or you are disqualified from holding or obtaining a driver's licence for the relevant period as defined in section 45B of the Act being a period of up to <u>6 months</u> . <input type="checkbox"/> The licence suspension or disqualification commences 24 hours after this notice is given to you <input type="checkbox"/> If your driver's licence is already suspended or you are already disqualified from holding or obtaining a driver's licence, this notice will take effect at the conclusion of that suspension or disqualification.	<input type="checkbox"/> Section 79B of the Road Traffic Act 1961 ( <i>Being owner of a vehicle that appears from evidence obtained by a photographic detection device to have been involved in an offence against section 45A of that Act</i> ) As a result of this allegation, your driver's licence is suspended or you are disqualified from holding or obtaining a driver's licence for the relevant period as defined in section 45B of the Act being a period of up to <u>6 months</u> . <input type="checkbox"/> The licence suspension or disqualification commences 28 days after this notice is given to you <input type="checkbox"/> If your driver's licence is already suspended or you are already disqualified from holding or obtaining a driver's licence, this notice will take effect at the conclusion of that suspension or disqualification.
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It is an offence punishable by imprisonment to drive a motor vehicle whilst your licence is suspended or you are disqualified.

**TIME AND DATE NOTICE GIVEN:**

This notice was given at ..... am / pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ]

Issuing Officer's Signature ..... Name: ..... Rank: ..... ID [0][ ][ ][ ][ ][ ][ ][ ][ ]

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE:**

I acknowledge receipt of this notice at the time and date recorded above.

Signature ..... Name: .....

Witness's Signature ..... Name: ..... Rank: ..... ID [0][ ][ ][ ][ ][ ][ ][ ][ ]

DRIVER / OCCUPANT OF VEHICLE REFUSED / UNABLE TO SIGN / ACCEPT ORDER (delete as applicable)

CHECKED BY: ..... RANK: ..... ID [0][ ][ ][ ][ ][ ][ ][ ][ ] DATE: / / .....

ORIGINAL: EXPIATION NOTICE BRANCH (178) WITHIN 24 HOURS. DUPLICATE: OFFENDER TRIPLICATE: AP QUADRUPPLICATE: TO BE RETAINED IN BOOK

PD 318 Revised: 1/9/2014

### ADVICE TO NOTICE RECIPIENT

#### CATEGORY 2 OR 3 OFFENCE OR REFUSE/FAIL TO COMPLY (Alcohol or Drug) – Section 47IAA of the Road Traffic Act 1961

##### Review of Licence Suspension / Disqualification - Road Traffic Act 1961, Section 47IAB

- (1) A person who has been given a notice of immediate licence disqualification or suspension under section 47IAA or who has been sent particulars of such a notice by the Registrar of Motor Vehicles may apply to the Magistrates Court for an order—
  - (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice; or
  - (b) reducing the period of disqualification or suspension applicable under the notice.
- (2) The Magistrates Court may, on an application under subsection (1), make an order—
  - (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice if—
    - (i) the Court is satisfied, on the basis of oral evidence given on oath by the applicant that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 47IAA applies; or
    - (ii) the Court is satisfied that the person has not been charged with any offence to which section 47IAA applies and that the prosecution authorities have had a reasonable time, in the circumstances, within which to make a determination as to the laying of charges against the person; or
  - (b) reducing the period of disqualification or suspension applicable under the notice if—
    - (i) the offence to which the notice relates is a category 2 or category 3 offence that is a first offence and the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant might, in proceedings for the offence to which the notice relates, successfully argue that the offence was trifling (in which case the Court must order that the period of disqualification or suspension be reduced to a period of 1 month); or
    - (ii) the offence to which the notice relates is a category 3 offence and the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence but the evidence before the Court suggests that the applicant may be guilty of a category 2 offence (in which case the Court must order that the period be reduced to a period of 6 months).
- (3) The application must be commenced by lodging written application with the Magistrates Court, in the form prescribed by rules of the Court, setting out the grounds on which the application is made and particulars of the evidence that will be relied on by the applicant.
- (4) The Commissioner of Police—
  - (a) must be served, by an applicant for an order under this section, with a copy of the application as soon as practicable after the application is made; and
  - (b) is a party to the application; and
  - (c) may (but is not required to) appear at the hearing represented by legal counsel or a police officer.

To apply for a review go to website [www.courts.sa.gov.au](http://www.courts.sa.gov.au), Magistrates Court section, obtain an application form and information on how to lodge your application or contact the Magistrates Court Call Centre on 8204 2444 between 8.30 am and 5.30 pm Monday to Friday.

#### EXCEED SPEED BY 45 KM/H OR MORE - Section 45B of the Road Traffic Act 1961

##### Cancellation of Licence Suspension / Disqualification - Road Traffic Act 1961, Section 45B

- (6) If a person is given a notice of licence disqualification or suspension in accordance with subsection (1) and the expiation notice referred to in that subsection is withdrawn or the person elects to be prosecuted in accordance with the *Expiation of Offences Act 1996*—
  - (a) the notice of licence disqualification or suspension is cancelled (and, if the relevant period has commenced, any licence held by the person at the commencement of the relevant period is taken to be in force again);

If you seek a **withdrawal** of the expiation notice, please provide evidence verified by statutory declaration and forward to Manager, Expiation Notice Branch, GPO Box 2029, Adelaide 5001. The evidence must be received by the Expiation Notice Branch before the due date for payment specified in the expiation notice or expiation reminder notice.

If you wish to **elect to be prosecuted**, please complete, sign and post the appropriate portion of the expiation notice to the Manager, Expiation Notice Branch, GPO Box 2029, Adelaide, 5001. The election form must be received by the Expiation Notice Branch before the due date for payment specified in the expiation notice or expiation reminder notice.

The notice of suspension or disqualification will remain in force unless the expiation notice is withdrawn or until a correctly completed election to be prosecuted form is received at Expiation Notice Branch.

**For exceed speed enquiries** contact the Expiation Notice Branch between 9.00 am and 5.00 pm Monday to Friday, on the telephone number accessible at website [www.police.sa.gov.au](http://www.police.sa.gov.au) or write to the Manager, Expiation Notice Branch, South Australia Police, GPO Box 2029, Adelaide SA 5001.

**Form 2—Prescribed oral advice**

**(Section 47E(4)(ab) of Act)**

*Road Traffic Act 1961*

**Oral advice on refusal or failure to comply with alcotest or breath analysis direction: section 47E(4)(ab)**

It is a criminal offence to refuse or fail to provide a breath sample without good cause. You could be fined and lose your licence for 12 months or more.

It is a defence if you have some physical or medical condition that prevents you from providing a breath sample, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a blood sample taken because of your condition, you should ask for that and the police will help you to have the sample taken at Government expense.

**Form 3—Prescribed oral advice**

**(Section 47EAA(10)(b) of Act)**

*Road Traffic Act 1961*

**Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction: section 47EAA(10)(b)**

It is a criminal offence to refuse or fail to provide a sample of oral fluid or blood without good cause. You could be fined and lose your licence for 6 months or more.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of oral fluid or blood [whichever is applicable], but only if you ask for a sample of your blood or oral fluid [whichever is applicable] to be taken instead.

If you want a sample of blood or oral fluid [whichever is applicable] taken because of your condition, you should ask for that and the police will help you to have the sample taken at Government expense.

## Form 4—Prescribed oral advice and written notice

### (Section 47K(2a)(a) of Act)

#### **Part A—Oral advice for the purposes of section 47K(2a)(a) of *Road Traffic Act 1961***

The breathalyser reading just taken shows that you had a prohibited level of alcohol in your blood.

Therefore, it appears that you have committed an offence against section 47B of the Road Traffic Act.

In any court proceedings for that offence, or for an offence against section 47 of the Road Traffic Act (driving under the influence of liquor), it will be presumed that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding two hours. However, the Road Traffic Act allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request.

If you obtain a blood test kit and want to have your blood tested, you should take the kit promptly to a hospital or medical practitioner in order to have a sample of your blood taken.

[\*Alternatively, you may have the sample taken by a registered nurse.]

You must not consume any more alcohol before having a sample of your blood taken and must not open the blood test kit before delivering it to a medical practitioner [\*or registered nurse].

Under the blood test procedure, the sample of blood is divided and sealed in two containers. You will have to sign a form that will be given to you by the medical practitioner [\*or registered nurse].

One of the sealed containers will be given to you and you may make your own arrangements to have the blood in that container analysed.

In any event, the blood in the other container will be analysed by Forensic Science SA and you will be given written notice of the results of the analysis.

Further information as to these matters is contained in the written notice which will be delivered to you shortly.

\* Advice as to the alternative of a registered nurse is to be given only if the breath analysis was conducted outside Metropolitan Adelaide.

**Part B—Written notice for the purposes of section 47K(2a)(a) of *Road Traffic Act 1961***

**Operation of Road Traffic Act in relation to results of breath analysis**

**1 Offence**

A person commits an offence against section 47B(1) of the *Road Traffic Act 1961* if the person—

- (a) drives a motor vehicle; or
- (b) attempts to put a motor vehicle in motion,

while there is present in his or her blood the prescribed concentration of alcohol (as defined in section 47A of the Act).

**2 Breath analysis**

Your breath has just been analysed by means of a breath analysing instrument which indicated that the prescribed concentration of alcohol was present in your blood.

Accordingly, it appears that you have committed the offence described above.

**3 Legal effect of breath analysis result**

In proceedings for the offence described above or an offence against section 47(1) of the *Road Traffic Act 1961* (driving under the influence of liquor), the result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (section 47K(1),(1ab)).

In any proceedings against you for such an offence, you will be able to challenge the accuracy of the breath analysis reading—

- if you have a sample of your blood taken and analysed as described below AND
- if the result of analysis of the blood sample shows that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in your blood (section 47K(1a)).

**Procedures for optional blood test**

- 1 You may have a sample of your blood taken and analysed if you wish.
  - 2 For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).
  - 3 You should then proceed promptly to a hospital or a medical practitioner [\*or registered nurse] of your choice and request that a sample of your blood be taken (using the blood test kit).
  - 4 Do not consume any further alcohol before the sample is taken.
  - 5 Do not open the blood test kit.
  - 6 The medical practitioner [\*or registered nurse] taking the sample of your blood will divide it and place it into two containers and seal the containers. One container will be delivered to you—do not break the seal on this container.
  - 7 Sign the form presented to you by the medical practitioner [\*or registered nurse]—the original of the form will be given to you which you should retain.
  - 8 You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.
  - 9 The other blood sample container will, in any event, be sent to Forensic Science SA where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner [\*or registered nurse] who took the blood sample).
- \* The alternative of a registered nurse applies only if the breath analysis was conducted outside Metropolitan Adelaide.

**Form 5—Request**  
**(Section 47K(2a)(b) of Act)**

*Road Traffic Act 1961*

**Request form for the purposes of section 47K(2a)(b)**

..... of.....  
*(Name)*

.....  
*(Address)*

submitted to a breath analysis at.....  
*(Address or description)*

at ..... am/pm on the ..... day of .....20.....

I (the person named above) now request that I be supplied with an approved blood test kit.

Signature:..... In the presence of: .....  
*(Person making request)* *(Name of Police Officer)*

Signature of witnessing Police Officer:.....

**Form 6—Certificate**  
**(Section 47K(1a) of Act and regulation 22)**

*Road Traffic Act 1961*

**Blood Test For Alcohol (Medical Practitioner's Or Nurse's Certificate)**

**A. CERTIFICATE BY \*MEDICAL PRACTITIONER/REGISTERED NURSE**  
*Pursuant to section 47K of the Road Traffic Act 1961*

I, \_\_\_\_\_ a \*medical practitioner/registered nurse, certify that at  
\_\_\_\_\_ at \_\_\_\_\_ am/pm on the \_\_\_\_\_ day  
Place (*Name of Hospital/Surgery/Medical Institution*)  
of \_\_\_\_\_ 20\_\_\_\_, I took a sample of blood from:

**PATIENT'S NAME & ADDRESS** *Please print clearly for mailing*

_____ _____ _____ Postcode
-------------------------------------

I placed the sample of blood, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit that was delivered to me by the patient) and secured the caps. I then sealed each container by application of the adhesive seal (bearing the identifying number specified below) provided as part of the blood test kit. I delivered 1 of the sealed containers containing part of the blood sample by giving the container to the patient. I witnessed the patient's signature.

IDENTIFYING NUMBER BARCODE
-------------------------------

\_\_\_\_\_  
*Signature of \*medical practitioner/registered nurse*

**B. PATIENT'S CONTAINER**

**PATIENT TO SIGN ON RECEIPT OF SAMPLE:**  
I acknowledge receipt of 1 sealed container containing part of the blood sample:

\_\_\_\_\_  
*Signature of patient*

**C. POLICE CONTAINER**  
Please indicate by an "x" in the appropriate box:

I delivered 1 of the sealed containers containing part of the blood sample to a police officer or an approved courier by:

Placing the container in a secured blood box:                      Box number:  
 Giving the container to \*a police officer/an approved courier

\_\_\_\_\_  
*Signature of \*medical practitioner/registered nurse*

*\*delete as required*

**NOTE:** *a blood sample may be taken by a registered nurse only if the breath analysis was conducted under the Road Traffic Act 1961 outside Metropolitan Adelaide.*

**Note—**

This form may be combined with a form required for the purposes of section 73(2) of the *Harbors and Navigation Act 1993* and section 20(2) of the *Rail Safety National Law (South Australia) Act 2012*.

**Form 7—Notice**

**Road Traffic Act 1961, Notice under section 79B(5) & (6)**

**Motor Vehicles Act 1959, Notice under Schedule 1 clause 3**

**Entitlement to view photographic evidence**

You are entitled to see the photographic evidence.

A copy of the photographic evidence on which the allegation is based:

- will, on written application to the Commissioner of Police, be sent by post to you at the address nominated by you in the written application or, in the absence of such a nomination, to your last known address; and
- may be viewed by telephoning the Expiation Notice Branch and making an appointment.

**Statutory Declarations**

The Commissioner of Police will, in relation to the question of withdrawal of the expiation notice, reminder notice or complaint, give due consideration to any exculpatory evidence (ie evidence indicating that you have a defence under the relevant legislation or are otherwise not liable for the offence) that is verified by statutory declaration. A statutory declaration must be furnished to the Commissioner before the due date for payment specified in the enclosed expiation notice or expiation reminder notice or, if the enclosed document is a summons, within 21 days after the date of issue of the summons.

You must provide the following information in the statutory declaration:

- your full name and address; and
- expiation notice number (where relevant); and
- motor vehicle registration number; and
- details of the defence or other exculpatory circumstances (in keeping with the requirements of the relevant legislation).

**Examples—**

If, for example, you sold the vehicle before the commission of the alleged offence you would need to provide details of that sale including the date on which it occurred and the name and address of the purchaser.

Similarly, in relation to an offence against section 79B of the *Road Traffic Act 1961*, if you are nominating another person as the driver of the vehicle at the relevant time you would need to provide that person's name and address or if you do not know the identity of the driver you would need to specify that fact and outline why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity. If the allegation of an offence against section 79B, or an allegation of a speeding or reckless or dangerous driving offence, is based on evidence of the average speed of the vehicle between 2 locations you would need to provide this information in relation to each person who drove the vehicle during that time (if there was more than 1) and in the case of an offence against section 79B state whether or not you were 1 of those persons.

If, in relation to an offence against section 9(3) or 102(2) of the *Motor Vehicles Act 1959*, you are claiming the defence set out in section 9(4a) or 102(3aa), you would need to specify that the vehicle was not driven or left standing on the road by you at the time of the alleged offence and you would need to provide details of the steps you took to ensure that people who might use the vehicle would have been aware that it was unregistered or uninsured.

The statutory declaration must be witnessed by one of the following:

- Justice of the Peace (including ID No.)
- Proclaimed Police Officer
- Commissioner for taking affidavits.

NOTE: It is an offence to make a statutory declaration that you know to be untrue in a material particular. The maximum penalty is 4 years imprisonment.

### General information

An application to view photographic evidence or a statutory declaration verifying a defence or other exculpatory circumstances must be sent to the Expiation Notice Branch by post (at GPO Box 2029, Adelaide SA 5001) or by fax. Further information regarding expiation notices, statutory declarations and photographic evidence can be found on the SAPOL internet site at:

<https://www.police.sa.gov.au/services-and-events/expiations/dealing-with-a-notice>

## Form 8—Certificate of inspection (Section 163D(2) of Act)

*Road Traffic Act 1961*

### Vehicles inspected under Part 4A

This is to certify that the vehicle, Registration No. .... has been inspected and this Certificate of Inspection is issued *subject to the conditions attached to this certificate*.

Expiry Date:..... Label No:.....

Seating Capacity:.....Adults or Children .....

Signature of Inspector or authorised person .....

Date: .....

Notes—

- 1 This certificate is issued on behalf of the Central Inspection Authority.
- 2 This certificate will remain in force up to and including the date of expiry, unless sooner cancelled by the Central Inspection Authority.

## Schedule 2—Hospitals declared for compulsory blood tests

Ardrossan Community Hospital Incorporated

Ashford Hospital

The following hospital facilities of Central Adelaide Local Health Network Incorporated:

The Queen Elizabeth Hospital

Royal Adelaide Hospital.

The following hospital facilities of Country Health SA Local Health Network Incorporated:

Angaston District Hospital  
Balaklava Soldiers' Memorial District Hospital  
Riverland Regional Health Service—Barmera Hospital  
Riverland Regional Health Service—Berri Hospital  
Booleroo Centre District Hospital and Health Service  
Bordertown Memorial Hospital  
Lower North Health—Burra Hospital  
Ceduna District Health Services  
Lower North Health—Clare Hospital  
Eastern Eyre Health & Aged Care—Cleve Campus  
Eastern Eyre Health & Aged Care—Cowell Campus  
Crystal Brook and District Hospital  
Cummins and District Memorial Hospital  
Coober Pedy Hospital and Health Services  
Elliston District Hospital  
Eudunda Hospital  
Gawler Health Service  
Gumeracha District Soldiers' Memorial Hospital  
Hawker Memorial Hospital  
Jamestown Hospital & Health Service  
Kangaroo Island Health Service  
Kapunda Hospital  
Karoonda and Districts Soldiers' Memorial Hospital  
Eastern Eyre Health & Aged Care—Kimba Campus  
Kingston Soldiers' Memorial Hospital  
Lameroo District Health Services  
Laura and District Hospital  
Leigh Creek Health Services  
Loxton Hospital Complex  
Central Yorke Peninsula Hospital (Maitland)  
The Mannum District Hospital  
Meningie & Districts Memorial Hospital and Health Services  
Millicent and District Hospital and Health Services

Minlaton Health Centre  
Mt Barker District Soldiers' Memorial Hospital  
Mt Gambier and Districts Health Service  
Mount Pleasant District Hospital  
The Murray Bridge Soldiers' Memorial Hospital  
Naracoorte Health Service  
Oodnadatta Health Service  
Orroroo and District Health Service  
Penola War Memorial Hospital  
Peterborough Soldiers' Memorial Hospital and Health Service  
Pinnaroo Soldiers' Memorial Hospital  
Port Augusta Hospital and Regional Health Service  
Port Broughton District Hospital & Health Service  
Port Lincoln Health Services  
Port Pirie Regional Health Service  
Quorn Health Services  
Renmark Paringa District Hospital  
Riverton District Soldiers' Memorial Hospital  
Roxby Downs Health Service  
Lower North Health—Snowtown Hospital  
Strathalbyn & Districts Health Service  
Streaky Bay District Hospital  
Tailem Bend District Hospital  
Tanunda War Memorial Hospital  
Tumby Bay Hospital and Health Services  
South Coast District Hospital (Victor Harbor)  
Waikerie Health Services  
Northern Yorke Peninsula Health Service (Wallaroo)  
The Whyalla Hospital & Health Service  
Woomera Hospital  
Central Eyre Peninsula Hospital (Wudinna)  
Southern Yorke Peninsula Hospital (Yorketown).  
Keith and District Hospital Incorporated  
McLaren Vale & Districts War Memorial Hospital Incorporated  
Moonta Health and Aged Care Service Incorporated

The following hospital facilities of Northern Adelaide Local Health Network Incorporated:

Lyell McEwin Hospital

Modbury Hospital.

The following hospital facilities of Southern Adelaide Local Health Network Incorporated:

Flinders Medical Centre

Noarlunga Hospital

Repatriation General Hospital.

St. Andrew's Hospital Incorporated

Stirling District Hospital Incorporated

Wakefield Hospital

The Women's and Children's Hospital facility of the Women's and Children's Health Network Incorporated.

## **Schedule 3—Fees**

### **1—Fees for inspections**

(1) In this clause—

***Central Inspection Authority inspection*** means an inspection or examination of a vehicle by the Central Inspection Authority for the purposes of section 163D of the Act;

***further inspection*** means an inspection undertaken to determine if faults or defects identified by a previous inspection have been corrected;

***LPG*** means liquefied petroleum gas;

***Transport Department inspection*** means an inspection or examination of a vehicle by the Transport Department for the purposes of—

- (a) section 145, 161A or 163AA of the Act; or
- (b) regulation 71 (Exemptions); or
- (c) section 139(1)(ab)(i), (ab)(ii) or (ac)(ii)(A) or (B) of the *Motor Vehicles Act 1959*; or
- (d) the *Dangerous Substances Act 1979* where the vehicle has been converted to use liquefied petroleum gas,

other than an inspection or examination for the purposes of an application for a vehicle permit to which clause 2 applies.

- (2) The following fees are payable for a Transport Department inspection or Central Inspection Authority inspection of a vehicle (or, if a particular inspection is specified, for a Transport Department inspection or Central Inspection Authority inspection of that kind):

Type of vehicle and inspection	Fee
<b>1. Heavy vehicles and buses</b>	
(1) Inspection of a motor vehicle (other than a bus)	\$235
(2) Inspection of—	
(a) a converter dolly	\$78
(b) a trailer other than a converter dolly	\$158
(3) Inspection of a bus	\$235
(4) Further inspection of a vehicle	\$78
<b>2. Vehicles other than heavy vehicles or buses</b>	
(1) Inspection of a vehicle for the purposes of an exemption under section 163AA of the Act or regulation 71	\$235
(2) Inspection of a vehicle for the purposes of section 139(1)(ab)(i) or (ii) or (1)(ac)(ii)(A) or (B) of the <i>Motor Vehicles Act 1959</i>	\$235
(3) Inspection of LPG-converted vehicle for the purposes of the <i>Dangerous Substances Act 1979</i>	\$235
(4) Any other inspection of a vehicle	\$158
(5) Further inspection of a vehicle	\$78

- (3) An additional fee of \$24 is payable to book an inspection (whether a first or further inspection) referred to in subclause (2).
- (4) If under section 145 of the Act a vehicle is produced for examination by a police officer at a police station, a fee of \$55 is payable to the South Australian Police Department on certification that the required repairs have been made to the vehicle.
- (5) If more than 1 fee becomes payable under this regulation in respect of an inspection or examination, only the higher or highest fee (as the case may be) must be paid.
- (6) A fee payable under this clause for an inspection—
- (a) must, unless otherwise specified, be paid to the Transport Department; and
  - (b) must be paid prior to that inspection.
- (7) A fee payable under this clause for booking an inspection—
- (a) must be paid to the Transport Department; and
  - (b) must be paid when the booking is made.

## 2—Fees for light vehicle permits

- (1) In this clause—

**light vehicle permit** means an exemption under section 163AA of the Act in relation to a dimension limit for a light vehicle or light vehicle combination in the *Road Traffic (Light Vehicle Standards) Rules 2013* or the *Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013*;

**supplied vehicle specifications** in relation to an application for assessment, means details of a vehicle's dimensions and mechanical and other specifications supplied to the Transport Department by the applicant.

- (2) The following fees are payable to the Transport Department:

- (a) on application for the issue or renewal of a light vehicle permit—\$76;
- (b) on application for an assessment of supplied vehicle specifications for the purposes of a light vehicle permit—
  - (i) \$50; and
  - (ii) for inspection of a vehicle to verify the supplied vehicle specifications—\$258;
- (c) if—
  - (i) a detailed or complex assessment is required in relation to an application for the issue or renewal of a light vehicle permit; and
  - (ii) such an assessment involves the detailed inspection (or inspection other than at Transport Department premises) of a vehicle, the survey or inspection of proposed routes, the assessment of plans, maps or specifications, the examination of bridges or other transport infrastructure, the determination of road work or other work required to enable the use of a proposed route, the consideration of conditions that may be applicable to the permit, or any other exceptional action or costs,

a fee of the Minister's estimate of the reasonable cost of providing that detailed and complex assessment.

- (3) A fee under subclause (2)(b) is payable for each vehicle whose specifications are to be assessed (including each vehicle forming part of a combination) and is payable in addition to any fee payable under subclause (2)(a) and (c).

## Schedule 4—Expiation of offences

### Part 1—Preliminary

#### 1—Expiation of alleged offences

- (1) The expiation fees set out in this Schedule are fixed for alleged offences against the Act or the rules or regulations specified in this Schedule.

- (2) Text set out in italic type under a heading in this Schedule commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

## **2—Photographic detection devices**

The expiation fee for an alleged offence against section 79B(2) of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an expiable offence is the same as the expiation fee payable for that expiable offence.

## **3—Expiation fee for certain offences at average speed camera locations**

Despite any other provision of this Schedule, the expiation fee for—

- (a) an alleged offence constituted of a contravention of or failure to comply with—
  - (i) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line); or
  - (ii) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line); or
- (b) an alleged offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface),

is \$881 if the contravention or failure to comply takes place within 100 metres of a stub line at an average speed camera location.

## **4—Expiation fee for certain Road Rules contraventions within 100 metres of Safe-T-Cam photographic detection device**

Despite any other provision of this Schedule, the expiation fee for an alleged offence constituted of contravention by the driver of a heavy vehicle of any of the following provisions of the *Australian Road Rules* is \$541 if the contravention takes place within 100 metres of a Safe-T-Cam photographic detection device:

- (a) rule 95(1) (Emergency stopping lane only signs);
- (b) rule 126 (Keeping a safe distance behind vehicles);
- (c) rule 127(1) (Keeping a minimum distance between long vehicles);
- (d) rule 132(2) (Keeping to left of dividing line);
- (e) rule 146(1) (Driving within a single marked lane);
- (f) rule 147 (Moving from one marked lane to another marked lane across a continuous line);
- (g) rule 150(1) (Driving on or across a continuous white edge line);
- (h) rule 215(1) (Using lights when driving at night or in hazardous weather conditions).

## 5—Lesser expiation fee if motor vehicle not involved

- (1) Despite the fees fixed in the tables in this Schedule, the expiation fee is \$55 for an alleged offence (other than an offence referred to in subclause (2)) constituted of—
  - (a) driving, towing, stopping or parking a vehicle other than a motor vehicle; or
  - (b) travelling in or on a wheeled recreational device or wheeled toy.
- (2) Subclause (1) does not apply in the case of—
  - (a) an offence constituted of failing to comply with the lawful directions of a person; or
  - (b) an offence against section 164A(1) of the Act comprising a contravention of or failure to comply with section 99B(1), 162C(1), 162C(2) or 162C(2a) of the Act; or
  - (c) an offence against rule 240(1), 240(2), 241(1), 244(2), 244B, 244C, 254(2), 256(1), 256(2) or 256(3) of the *Australian Road Rules*.

## 6—Prescribed roads—offences against section 45A of Act involving road trains

- (1) For the purposes of determining the expiation fee for an offence against section 45A of the Act, a road train is driven on a prescribed road if it is driven on a length of road with a prescribed speed limit (road trains) of 90 kilometres per hour or more.
- (2) In this clause—

***prescribed speed limit (road trains)*** means a prescribed speed limit (road trains) imposed under regulation 8(4) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

### Note—

Different penalties apply in respect of road trains being driven on prescribed roads—see the item relating to offences against section 45A in Part 2 of this Schedule.

## Part 2—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load—</i>	
	(a) if direction relates to heavy vehicle	\$642
	(b) if direction relates to light vehicle	\$264
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location—</i>	
	(a) if direction relates to heavy vehicle	\$642
	(b) if direction relates to light vehicle	\$264
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move light vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	\$264
40K(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to vacate or not occupy driver's seat, or to leave or not enter vehicle—</i>	

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
	(a) if direction relates to heavy vehicle	\$642
	(b) if direction relates to light vehicle	\$264
40V(4)	<i>Person subject to direction contravening or failing to comply with section— contravention specified in section 40V(4)(b)(i)</i>	\$710
40W(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to produce records, devices or other things</i>	\$710
40X(3)	<i>Person subject to direction contravening or failing to comply with section— contravention specified in section 40X(3)(b)(i)</i>	\$642
40Y(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide assistance to officer to enable effective exercise of officer's powers</i>	\$642
45A	<i>Driving at speed exceeding applicable speed limit by 45 kph or more—</i>	
	(a) if vehicle being driven is a road train being driven on a prescribed road	\$1 101
	<b>Note—</b> See clause 6 of this Schedule.	
	(b) in any other case	\$992
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood— contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood</i>	\$587
47BA(1)	<i>Driving with prescribed drug in oral fluid or blood</i>	\$587
86A(3)	<i>Failing to obtain ticket from parking ticket-vending machine where no fee payable</i>	\$50
91(3)	<i>Person subject to direction or request of ferry operator failing to comply with section— failure to comply other than by giving false information</i>	\$320
110C(2)	<i>Selling or offering for sale for use on roads motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer— offence not committed in course of trade or business</i>	\$260
110C(3)	<i>Driving motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer</i>	\$260
117(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being driver of vehicle</i>	\$399
118(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being operator of vehicle</i>	\$399
123	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being driver of vehicle—</i>	
	(a) exceeding a mass limit by less than 50%	\$214
	(b) exceeding a mass limit by 50% or more	\$428
	(c) contravening a dimension or load restraint requirement	\$214

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**

Schedule 4—Expiation of offences

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
124(1)	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being operator of vehicle—</i>	
	(a) exceeding a mass limit by less than 50%	\$214
	(b) exceeding a mass limit by 50% or more	\$428
	(c) contravening a dimension or load restraint requirement	\$214
146(3)	<i>Engaging in conduct in contravention of direction of authorised officer to driver or operator of light vehicle to rectify specified breaches of light vehicle mass, dimension or load restraint requirement, or move vehicle to specified location and not proceed from there until breaches are rectified</i>	\$264
146(8)	<i>Engaging in conduct in contravention of condition of authorisation granted by authorised officer to driver of light vehicle authorising vehicle to continue journey</i>	\$264
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
s 33(9)	<i>Failing to comply with direction of police officer</i>	\$264
s 53B(1)	<i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	\$410
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed limit while passing a school bus—	
	by less than 10 kph	\$166
	by 10 kph or more but less than 20 kph	\$363
	by 20 kph or more but less than 30 kph	\$738
	by 30 kph or more	\$881
s 83(1)(a)	<i>Speeding in emergency service speed zone</i>	
	Exceeding 25 kph in emergency service speed zone—	
	by less than 10 kph	\$166
	by 10 kph or more but less than 20 kph	\$363
	by 20 kph or more but less than 30 kph	\$738
	by 30 kph or more	\$881
s 83A(1)	<i>Standing etc or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business etc</i>	\$100
s 83A(2)	<i>Buying or offering to buy goods from person standing etc on carriageway etc in contravention of section 83A(1)</i>	\$100
s 85(2)	<i>Leaving stationary vehicle in prohibited area near Parliament House etc without authority</i>	\$118
s 87	<i>Walking without due care or attention etc</i>	\$47
s 95	<i>Riding on vehicle without consent of driver</i>	\$100
s 99A	<i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc</i>	\$55

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**  
Expiation of offences—Schedule 4

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
s 99B(1)	<i>Riding wheeled recreational device or wheeled toy on road without due care or attention etc</i>	
	where riding a wheeled recreational device on a road that is—	\$363
	<ul style="list-style-type: none"> <li>• a one-way road with 2 or more marked lanes (other than bicycle lanes); or</li> <li>• a two-way road with 2 or more marked lanes (other than bicycle lanes), on either side of the road, for vehicles travelling in the same direction; or</li> <li>• a road on which the speed limit is greater than 60 kph</li> </ul>	
	in any other case	\$55
s 99B(2)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc</i>	\$55
s 99B(3)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc</i>	\$55
s 107(1)	<i>Driving, drawing, hauling, dragging over road any implement, sledge etc</i>	\$233
s 107(2)	<i>Removing or interfering with road infrastructure, or damaging road infrastructure other than by reasonable use</i>	\$233
s 108(1)	<i>Depositing certain articles or materials on road</i>	\$223
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	\$100
s 145(3)	<i>Failing to comply with direction of police officer or authorised officer to stop light vehicle or produce light vehicle for examination</i>	\$264
s 145(5f)	<i>Defacing, altering, obscuring or removing defective vehicle label affixed to light vehicle</i>	\$399
s 145(6)	<i>Driving, selling etc light vehicle contrary to terms of defect notice</i>	\$570
s 161A(1)	<i>Driving light vehicle to which section 161A applies without Ministerial approval</i>	\$288
s 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$100
s 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$100

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**

## Schedule 4—Expiation of offences

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
s 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$96
167(1)	<i>Causing or permitting another person to commit an offence against Act or regulations—</i>  causing or permitting commission of expiable offence	the expiation fee prescribed for the expiable offence
174B	<i>Further offence for continued parking contravention</i>	\$48

**Part 3—Offences against the *Australian Road Rules***

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
20	<i>Speeding</i> Exceeding applicable speed limit on length of road— by less than 10 kph by 10 kph or more but less than 20 kph by 20 kph or more but less than 30 kph by 30 kph or more	\$166 \$363 \$738 \$881
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	\$309
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	\$309
28(1A)	<i>Failing to use slip lane when starting left turn on multi-lane road</i>	\$309
28(2A)	<i>Bicycle rider starting left turn on multi-lane road from incorrect position in bicycle storage area</i>	\$55
29(1)	<i>Failing to make left turn as indicated by turn line</i>	\$309
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	\$309
32(1)	<i>Failing to keep within right lane when starting right turn (on multi-lane road)</i>	\$309
32(2A)	<i>Bicycle rider starting right turn on multi-lane road from incorrect position in bicycle storage area</i>	\$55
33(1)	<i>Making right turn at intersection incorrectly</i>	\$309
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	\$278
35(2)	<i>Bicycle rider making hook turn at intersection with no "hook turn only" sign etc incorrectly</i>	\$55
36	<i>Bicycle rider making hook turn contrary to "no hook turn by bicycles" sign</i>	\$55
37	<i>Starting U-turn without clear view etc</i>	\$370
38	<i>Failing to give way when making U-turn</i>	\$370
39(1)	<i>Making U-turn contrary to "no U-turn" sign at break in dividing strip</i>	\$348
39(2)	<i>Making U-turn contrary to "no U-turn" sign on length of road</i>	\$348

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**

Expiation of offences—Schedule 4

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
40	<i>Making U-turn at intersection with traffic lights and no "U-turn permitted" sign</i>	\$348
41	<i>Making U-turn at intersection without traffic lights where "no U-turn" sign</i>	\$348
42	<i>Starting U-turn at intersection from incorrect position</i>	\$370
46(1)	<i>Failing to give left change of direction signal before turning left</i>	\$303
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	\$203
48(1)	<i>Failing to give right change of direction signal before turning right</i>	\$303
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	\$203
51	<i>Using direction indicator lights when not permitted</i>	\$203
53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	\$303
53(2)	<i>Failing to give sufficient warning of stopping</i>	\$303
53(3)	<i>Failing to give stop signal while slowing</i>	\$303
56(1)	<i>Failing to stop for red traffic light</i>	\$444
56(2)	<i>Failing to stop for red traffic arrow</i>	\$444
57(1)	<i>Failing to stop for yellow traffic light</i>	\$444
57(2)	<i>Failing to stop for yellow traffic arrow</i>	\$444
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	\$444
59(1)	<i>Proceeding through red traffic light</i>	\$444
60	<i>Proceeding through red traffic arrow</i>	\$444
60A(1)	<i>Proceeding through bicycle storage area before red traffic light</i>	\$348
60A(2)	<i>Proceeding through bicycle storage area before red traffic arrow</i>	\$348
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	\$444
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	\$444
62(1)	<i>Failing to give way when turning at intersection with traffic lights</i>	\$410
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	\$410
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	\$410
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	\$410
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	\$390
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	\$100
66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	\$100
67(1)	<i>Failing to stop and give way at "stop" sign or stop line at intersection without traffic lights</i>	\$410
68(1)	<i>Failing to stop and give way at "stop" sign or stop line at other place</i>	\$348
69(1)	<i>Failing to give way at "give way" sign or give way line at intersection (except roundabout)</i>	\$410
70	<i>Failing to give way at "give way" sign at bridge or length of narrow road</i>	\$410
71(1)	<i>Failing to give way at "give way" sign or give way line at other place</i>	\$348

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**  
Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	\$410
73(1)	<i>Failing to give way at T-intersection</i>	\$410
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	\$370
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	\$370
76(1)	<i>Moving into path of tram travelling in tram lane etc</i>	\$203
76(2)	<i>Failing to move out of path of tram travelling in tram lane etc</i>	\$203
77(1)	<i>Failing to give way to bus</i>	\$203
78(1)	<i>Moving into path of police or emergency vehicle</i>	\$410
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	\$410
79(1)	<i>Failing to give way to police or emergency vehicle</i>	\$410
80(2)	<i>Failing to stop at children's crossing</i>	\$410
80(3)	<i>Failing to obey hand-held "stop" sign at children's crossing</i>	\$348
80(4)	<i>Proceeding while pedestrian on children's crossing</i>	\$410
81(2)	<i>Failing to give way at pedestrian crossing</i>	\$390
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	\$390
83	<i>Failing to give way to pedestrian in shared zone</i>	\$324
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	\$370
85	<i>Failing to give way on painted island</i>	\$348
86(1)	<i>Failing to give way in median turning bays</i>	\$370
87(1)	<i>Failing to give way when moving from side of road</i>	\$334
87(3)	<i>Failing to give way when moving from median strip parking area</i>	\$334
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	\$348
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	\$348
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	\$348
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	\$348
90	<i>Turning at intersection with "no turns" sign</i>	\$348
91(1)	<i>Turning left at intersection or other place with "no left turn" sign</i>	\$348
91(2)	<i>Turning at intersection or other place with "no right turn" sign</i>	\$348
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	\$348
93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	\$348
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	\$348
95(1)	<i>Driving in emergency stopping lane</i>	\$348
96(1)	<i>Stopping on area of road marked with "keep clear" marking</i>	\$348
97(1)	<i>Driving on length of road where "road access" sign applies</i>	\$348
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	\$410

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**  
Expiation of offences—Schedule 4

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
99(1)	<i>Failing to drive to left of "keep left" sign</i>	\$348
99(2)	<i>Failing to drive to right of "keep right" sign</i>	\$348
100	<i>Driving past "no entry" sign</i>	\$348
101(1)	<i>Failing to stop before hand-held "stop" sign</i>	\$348
101(2)	<i>Proceeding after stopping for hand-held "stop" sign</i>	\$348
101A(1)	<i>Driving on safety ramp or arrester bed</i>	\$348
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	\$348
103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	\$348
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	\$348
104(1)	<i>Driving past "no trucks" sign—vehicle GVM exceeding permitted mass</i>	\$348
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	\$348
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	\$348
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	\$348
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	\$348
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	\$348
106(3)	<i>Driving bus past "no buses" sign where no mass or length indicated</i>	\$348
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	\$348
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	\$348
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	\$348
112(2)	<i>Failing to give required left change of direction signal before entering roundabout</i>	\$303
112(3)	<i>Failing to continue left change of direction signal while in roundabout</i>	\$303
113(2)	<i>Failing to give required right change of direction signal before entering roundabout</i>	\$303
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	\$303
114(1)	<i>Failing to give way when entering roundabout</i>	\$410
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	\$410
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	\$410
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	\$348
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	\$303
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	\$303
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	\$303
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	\$303
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	\$55

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**  
Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
121	<i>Failing to stop and give way at "stop" sign at level crossing</i>	\$444
122	<i>Failing to give way at "give way" sign or give way line at level crossing</i>	\$444
123	<i>Entering level crossing when train or tram is approaching etc</i>	\$444
124	<i>Failing to leave level crossing as soon as safe to do so</i>	\$444
125(1)	<i>Unreasonably obstructing path of other driver or pedestrian</i>	\$112
126	<i>Failing to keep safe distance behind other vehicles</i>	\$320
127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	\$233
128	<i>Entering blocked intersection</i>	\$237
128A(1)	<i>Entering blocked crossing</i>	\$237
129(1)	<i>Failing to keep to far left side of road</i>	\$292
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	\$247
131(1)	<i>Failing to keep to left of oncoming vehicles</i>	\$324
132(1)	<i>Failing to keep to left of centre of road</i>	\$370
132(2)	<i>Failing to keep to left of dividing line</i>	\$370
132(2A)	<i>Making U-turn across certain dividing lines</i>	\$370
135(1)	<i>Failing to keep to left of median strip</i>	\$308
136	<i>Driving in wrong direction on one-way service road</i>	\$308
137(1)	<i>Failing to keep off dividing strip</i>	\$233
138(1)	<i>Failing to keep off painted island</i>	\$247
140	<i>Overtaking when not safe to do so</i>	\$292
141(1)	<i>Driver overtaking to left of other vehicle</i>	\$320
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	\$55
142(1)	<i>Overtaking to right of vehicle turning right</i>	\$334
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	\$200
143(1A)	<i>Passing or overtaking to left of vehicle displaying "do not overtake turning vehicle" sign</i>	\$200
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	\$200
144	<i>Failing to keep safe distance when overtaking</i>	\$292
145	<i>Increasing speed while being overtaken</i>	\$290
146(1)	<i>Failing to drive within single marked lane</i>	\$247
146(2)	<i>Failing to drive within single line of traffic</i>	\$247
147	<i>Moving from one marked lane to another marked lane across continuous line</i>	\$247
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	\$318
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	\$318
148A	<i>Failing to give way when diverging left or right within marked lane</i>	\$318
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	\$318

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**

Expiation of offences—Schedule 4

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
150(1)	<i>Driving on or across continuous white edge line</i>	\$100
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	\$100
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	\$100
151(4)	<i>Riding motor bike or bicycle more than 1.5 metres from another rider</i>	\$100
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	\$348
153(1)	<i>Driving in bicycle lane</i>	\$255
154(1)	<i>Driving in bus lane</i>	\$255
155(1)	<i>Driving in tram lane</i>	\$255
155A(1)	<i>Driving in tramway</i>	\$255
156(1)	<i>Driving in transit lane</i>	\$255
157(1)	<i>Driving in truck lane</i>	\$255
159(1)	<i>Driving in marked lane required to be used by particular kinds of vehicles</i>	\$255
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	\$320
160(3)	<i>Passing or overtaking left turning etc tram not at or near far left side of road</i>	\$320
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	\$320
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	\$320
162(1)	<i>Driving past safety zone</i>	\$410
163(1)	<i>Driving past rear of stopped tram at tram stop</i>	\$410
164(1)	<i>Failing to stop when tram stops at tram stop</i>	\$410
164A(1)	<i>Failing to stay stopped if tram stops alongside at tram stop</i>	\$410
167	<i>Stopping where "no stopping" sign applies</i>	\$91
168(1)	<i>Stopping where "no parking" sign applies</i>	\$75
169	<i>Stopping on road with continuous yellow edge line</i>	\$93
170(1)	<i>Stopping in intersection</i>	\$91
170(2)	<i>Stopping within 20 metres of intersection with traffic lights</i>	\$91
170(3)	<i>Stopping within 10 metres of intersection without traffic lights</i>	\$93
171(1)	<i>Stopping on or near children's crossing</i>	\$91
172(1)	<i>Stopping on or near pedestrian crossing (except at intersection)</i>	\$91
173(1)	<i>Stopping on or near marked foot crossing (except at intersection)</i>	\$91
174(2)	<i>Stopping at or near bicycle crossing lights (except at intersection)</i>	\$91
175(1)	<i>Stopping on or near level crossing</i>	\$91
176(1)	<i>Stopping on clearway</i>	\$255
177(1)	<i>Stopping on freeway</i>	\$255
178	<i>Stopping in emergency stopping lane</i>	\$255
179(1)	<i>Stopping in loading zone</i>	\$67
179(2)	<i>Stopping in loading zone—exceeding time in loading zone</i>	\$67

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**

## Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
180(1)	<i>Stopping in truck zone</i>	\$64
181(1)	<i>Stopping in works zone</i>	\$64
182(1)	<i>Stopping in taxi zone</i>	\$124
183(1)	<i>Stopping in bus zone</i>	\$124
184(1)	<i>Stopping in minibus zone</i>	\$91
185(1)	<i>Stopping in permit zone</i>	\$64
186(1)	<i>Stopping in mail zone</i>	\$64
187(1)	<i>Stopping in bus lane, transit lane or truck lane</i>	\$255
187(2)	<i>Stopping in bicycle lane</i>	\$257
187(3)	<i>Stopping in tram lane or tramway or on tram tracks</i>	\$255
188	<i>Stopping in shared zone</i>	\$64
189(1)	<i>Double parking</i>	\$91
190(1)	<i>Stopping in or near safety zone</i>	\$64
191	<i>Stopping near obstruction</i>	\$112
192(1)	<i>Stopping on bridge, causeway, ramp or similar structure</i>	\$91
192(2)	<i>Stopping in tunnel or underpass</i>	\$112
193(1)	<i>Stopping on crest or curve outside built-up area</i>	\$112
194(1)	<i>Stopping near fire hydrant etc</i>	\$75
195(1)	<i>Stopping at or near bus stop</i>	\$91
196(1)	<i>Stopping at or near tram stop</i>	\$91
197(1)	<i>Stopping on path, dividing strip or nature strip</i>	\$93
197(1A)	<i>Stopping on painted island</i>	\$91
197(1B)	<i>Stopping on traffic island</i>	\$91
198(1)	<i>Obstructing access to and from footpath ramp etc</i>	\$73
198(2)	<i>Obstructing access to and from driveway etc</i>	\$75
199(1)	<i>Stopping near postbox</i>	\$91
200(1)	<i>Stopping heavy or long vehicle on road outside built-up area except on shoulder of road</i>	\$112
200(2)	<i>Stopping heavy or long vehicle on road in built-up area for longer than permitted time</i>	\$112
201	<i>Stopping on road with "bicycle parking" sign</i>	\$64
202	<i>Stopping on road with "motor bike parking" sign</i>	\$64
203(1)	<i>Stopping in parking area for people with disabilities</i>	\$355
203A	<i>Stopping in slip lane</i>	\$91
205(1)	<i>Parking for longer than indicated where "permissive parking" sign applies</i>	\$50
207(2)	<i>Failing to pay fee etc for parking where fees payable</i>	\$50
208(1)	<i>Failing to park on road (except in median strip parking area) in accordance with rule—parallel parking</i>	\$67

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**  
Expiation of offences—Schedule 4

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
208A(1)	<i>Failing to park in road-related area (except in median strip parking area) in accordance with rule—parallel parking</i>	\$64
209(2)	<i>Failing to park in median strip parking area in accordance with rule—parallel parking</i>	\$64
210(1)	<i>Failing to park in accordance with rule—angle parking</i>	\$64
211(2)	<i>Parking where there are parking bays—failing to park vehicle wholly within parking bay</i>	\$48
211(3)	<i>Parking where there are parking bays—failing to park long or wide vehicle in minimum number of parking bays needed to park vehicle</i>	\$48
212(1)	<i>Entering or leaving median strip parking area—contrary to sign</i>	\$112
212(2)	<i>Entering or leaving median strip parking area—failing to drive forward</i>	\$112
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	\$233
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	\$133
217(1)	<i>Using fog lights when not driving in fog or other hazardous weather conditions</i>	\$233
218(1)	<i>Using headlights on high-beam</i>	\$233
219	<i>Using lights to dazzle other road users</i>	\$233
220(1)	<i>Stopping vehicle on road at night—failing to operate lights</i>	\$233
221(1)	<i>Using hazard warning lights</i>	\$123
223	<i>Riding animal-drawn vehicle at night or in hazardous weather conditions—failing to operate lights</i>	\$55
224	<i>Using horn or similar warning device</i>	\$176
225(1)	<i>Driving vehicle with radar detector or similar device in or on vehicle or trailer</i>	\$410
225(2)	<i>Having possession of radar detector or similar device while travelling in or on vehicle or trailer</i>	\$410
226(1)	<i>Driving heavy vehicle not equipped with portable warning triangles</i>	\$100
226(2)	<i>Failing to produce warning triangles on demand</i>	\$100
227(2)	<i>Failing to use portable warning triangles in accordance with rule—vehicle stopped or fallen load where speed limit is 80 kph or more</i>	\$100
227(3)	<i>Failing to use portable warning triangles in accordance with rule—vehicle stopped or fallen load where speed limit is less than 80 kph</i>	\$100
228	<i>Pedestrian passing "no pedestrians" sign</i>	\$47
229	<i>Pedestrian on road to which "road access" sign applies</i>	\$47
230(1)	<i>Failing to cross road in accordance with rule</i>	\$47
231(1)	<i>Failing to cross road with pedestrian lights in accordance with rule</i>	\$47
232(1)	<i>Failing to cross road at traffic lights without pedestrian lights in accordance with rule</i>	\$47
233(1)	<i>Crossing road to get on tram—crossing before tram stops at tram stop</i>	\$47
233(2)	<i>Crossing road from tram—failing to comply with rule</i>	\$47
234(1)	<i>Crossing road near crossing for pedestrians</i>	\$47

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**

Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
234(2)	<i>Pedestrian staying on crossing longer than necessary to cross road</i>	\$47
235(1)	<i>Crossing level crossing</i>	\$47
235(2)	<i>Crossing level crossing while warning lights flashing etc</i>	\$47
235(2A)	<i>Failing to finish crossing level crossing in accordance with rule if warning lights start flashing etc</i>	\$47
235A(2)	<i>Crossing pedestrian level crossing while there is a red pedestrian light</i>	\$47
235A(3)	<i>Failing to finish crossing pedestrian level crossing in accordance with rule if red pedestrian light appears</i>	\$47
236(1)	<i>Pedestrian causing traffic hazard</i>	\$47
236(2)	<i>Pedestrian causing obstruction</i>	\$47
237(1)	<i>Getting on or into moving vehicle</i>	\$175
238(1)	<i>Pedestrian travelling along road—failing to use footpath</i>	\$47
238(2)	<i>Pedestrian travelling along road—failing to keep to side or face approaching traffic or walking abreast</i>	\$47
239(1)	<i>Pedestrian on bicycle path or separated footpath</i>	\$47
239(3)	<i>Pedestrian on bicycle path or separated footpath—failing to keep out of path of bicycle etc</i>	\$47
239A	<i>Travelling in or on wheeled recreational device or wheeled toy past "no wheeled recreational devices or toys" sign</i>	\$55
240(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on certain types of roads</i>	
	where travel in or on a wheeled recreational device in contravention of subrule (1) on a road that is—	\$363
	<ul style="list-style-type: none"> <li>• a one-way road with 2 or more marked lanes (other than bicycle lanes); or</li> <li>• a two-way road with 2 or more marked lanes (other than bicycle lanes), on either side of the road, for vehicles travelling in the same direction; or</li> <li>• a road on which the speed limit is greater than 60 kph</li> </ul>	
	in any other case	\$55
240(2)	<i>Travelling in or on wheeled recreational device on declared roads or at night or during certain times</i>	
	where travel in or on a wheeled recreational device in contravention of subrule (2) on a road that is—	\$363
	<ul style="list-style-type: none"> <li>• a one-way road with 2 or more marked lanes (other than bicycle lanes); or</li> <li>• a two-way road with 2 or more marked lanes (other than bicycle lanes), on either side of the road, for vehicles travelling in the same direction; or</li> <li>• a road on which the speed limit is greater than 60 kph</li> </ul>	
	in any other case	\$55
240(3)	<i>Travelling in or on wheeled toy on declared roads or during certain times</i>	\$55

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
241(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on road—failing to keep to left or travelling abreast</i>	
	where travel in or on a wheeled recreational device in contravention of subrule (1) on a road that is—	\$363
	<ul style="list-style-type: none"> <li>• a one-way road with 2 or more marked lanes (other than bicycle lanes); or</li> <li>• a two-way road with 2 or more marked lanes (other than bicycle lanes), on either side of the road, for vehicles travelling in the same direction; or</li> <li>• a road on which the speed limit is greater than 60 kph</li> </ul>	
	in any other case	\$55
242(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on footpath or shared path—failing to keep left or give way</i>	\$55
243(1)	<i>Travelling on rollerblades etc on separated footpath designated for pedestrians</i>	\$55
243(2)	<i>Travelling on rollerblades etc on bicycle path etc—failing to keep out of path of bicycle</i>	\$55
244(1)	<i>Travelling in or on wheeled recreational device or wheeled toy that is being towed by vehicle</i>	\$55
244(2)	<i>Travelling in or on wheeled recreational device or wheeled toy while holding onto moving vehicle</i>	\$100
244(3)	<i>Travelling in or on wheeled recreational device or wheeled toy too close to rear of moving motor vehicle</i>	\$55
244B	<i>Travelling on motorised scooter—failing to wear bicycle helmet</i>	\$100
244C	<i>Travelling on motorised scooter on road or road-related area</i>	\$100
245	<i>Riding bicycle not in accordance with rule</i>	\$55
246(1)	<i>Carrying on bicycle more persons than bicycle designed to carry</i>	\$55
246(2)	<i>Passenger on bicycle—passenger failing to sit in passenger seat</i>	\$55
246(3)	<i>Riding bicycle with passenger not sitting in passenger seat</i>	\$55
247(1)	<i>Failing to ride in bicycle lane on road</i>	\$55
247A(1)	<i>Bicycle rider failing to enter bicycle storage area correctly at intersection with red traffic light or arrow</i>	\$55
247B(1)	<i>Bicycle rider failing to give way when entering bicycle storage area</i>	\$55
247B(2)	<i>Bicycle rider in bicycle storage area on multi-lane road failing to give way to motor vehicles in certain lanes when traffic lights are green or yellow</i>	\$55
248(1)	<i>Riding bicycle across road on children's crossing or pedestrian crossing</i>	\$55
248(2)	<i>Riding bicycle across road on marked foot crossing</i>	\$55
249	<i>Riding bicycle on separated footpath designated for pedestrians</i>	\$55
250(2)	<i>Riding bicycle on footpath or shared path—failing to keep to left or give way</i>	\$55
251	<i>Riding bicycle on bicycle path etc—failing to keep to left of oncoming bicycle riders on path</i>	\$55
252(1)	<i>Riding bicycle where "no bicycles" sign or no bicycles road marking applies</i>	\$55

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**  
Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
253	<i>Bicycle rider causing traffic hazard</i>	\$55
254(1)	<i>Bicycle being towed—riding towed bicycle</i>	\$55
254(2)	<i>Bicycle rider holding onto moving vehicle</i>	\$100
255	<i>Riding bicycle too close to rear of motor vehicle</i>	\$55
256(1)	<i>Riding bicycle—rider failing to wear bicycle helmet</i>	\$100
256(2)	<i>Passenger on bicycle—passenger failing to wear bicycle helmet</i>	\$100
256(3)	<i>Riding bicycle with passenger not wearing bicycle helmet</i>	\$100
257(1)	<i>Riding with person on bicycle trailer</i>	\$55
258	<i>Riding bicycle not equipped with brake or warning device</i>	\$55
259	<i>Riding bicycle at night or in hazardous weather conditions without displaying lights etc</i>	\$55
260(1)	<i>Bicycle rider crossing contrary to red bicycle crossing light</i>	\$55
261(1)	<i>Bicycle rider crossing contrary to yellow bicycle crossing light</i>	\$55
262(1)	<i>Bicycle rider proceeding when bicycle crossing lights change—failing to cross in accordance with rule</i>	\$55
264(1)	<i>Failing to wear approved seatbelt—driver</i>	\$347
265(1)	<i>Failing to wear approved seatbelt, and be seated, in accordance with rule—passenger 16 years old, or older</i>	\$347
265(3)	<i>Failing to ensure passengers 16 years old or older are wearing approved seatbelts, and are seated, in accordance with rule—</i>	
	failure in relation to 1 such passenger	\$347
	failure in relation to more than 1 such passenger	\$410
266(1)	<i>Failing to ensure passengers under 16 years old are restrained and seated in accordance with rule—</i>	
	failure in relation to 1 such passenger	\$347
	failure in relation to more than 1 such passenger	\$410
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	\$347
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods unless enclosed and seatbelts fitted</i>	\$347
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	\$176
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	\$176
268(4A)	<i>Driving motor vehicle with passenger in or on part of vehicle not designed primarily for carriage of passengers or goods</i>	\$347
268(4B)	<i>Driving motor vehicle with passenger in or on part of vehicle designed primarily for carriage of goods unless enclosed and seatbelts fitted</i>	\$347
269(1)	<i>Getting off or out of moving vehicle</i>	\$175
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open etc</i>	\$175
269(4)	<i>Driving bus while doors not closed</i>	\$320
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	\$268

**8.12.2016 to 14.12.2016—Road Traffic (Miscellaneous) Regulations 2014**  
Expiation of offences—Schedule 4

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	\$268
271(1)	<i>Riding on motor bike—rider failing to ride in correct position</i>	\$127
271(2)	<i>Riding on motor bike—passenger failing to ride in correct position</i>	\$127
271(3)	<i>Riding on motor bike—rider riding with passenger not riding correctly</i>	\$127
271(4)	<i>Riding on motor bike—riding with more than 1 passenger (excluding passenger in sidecar or on seat other than pillion seat)</i>	\$127
271(5)	<i>Riding on motor bike—riding with more than permitted number of passengers in sidecar or on seat</i>	\$127
271(5A)	<i>Riding on motor bike—riding with passenger under 8 years old not in sidecar</i>	\$127
271(5B)	<i>Riding on motor bike—passenger in sidecar failing to be seated safely</i>	\$127
271(5C)	<i>Riding on motor bike—riding with passenger in sidecar not seated safely</i>	\$127
272	<i>Passenger interfering with driver's control of vehicle etc</i>	\$320
274	<i>Failing to stop for red T light—tram driver</i>	\$444
275	<i>Failing to stop for yellow T light—tram driver</i>	\$444
277	<i>Proceeding after stopping for a red or yellow T light—tram driver</i>	\$444
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	\$444
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	\$444
281	<i>Failing to stop for red B light—bus driver</i>	\$444
282	<i>Failing to stop for yellow B light—bus driver</i>	\$444
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	\$444
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	\$444
286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver failing to leave intersection</i>	\$444
288(1)	<i>Driving on path</i>	\$237
288(4)	<i>Driving on path—failing to give way</i>	\$233
289(1)	<i>Driving on nature strip</i>	\$233
289(2)	<i>Driving on nature strip—failing to give way</i>	\$233
290	<i>Driving on traffic island</i>	\$233
291	<i>Making unnecessary noise or smoke while starting or driving</i>	\$199
292	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	\$341
293(2)	<i>Failing to remove from road things fallen from vehicle while driving</i>	\$223
294(1)	<i>Towing vehicle without keeping control of vehicle being towed</i>	\$133
294(2)	<i>Towing trailer without keeping control of trailer</i>	\$133
295(1)	<i>Motor vehicle towing another vehicle with towline not in accordance with rule</i>	\$133
296(1)	<i>Reversing vehicle when not safe to do so</i>	\$410
296(2)	<i>Reversing vehicle further than reasonably necessary</i>	\$247

**Road Traffic (Miscellaneous) Regulations 2014—8.12.2016 to 14.12.2016**  
Schedule 4—Expiation of offences

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
297(1)	<i>Driving vehicle without having proper control of vehicle</i>	\$176
297(1A)	<i>Driving vehicle with person or animal in lap</i>	\$176
297(2)	<i>Driving motor vehicle without clear view of road etc</i>	\$176
297(3)	<i>Riding motor bike with animal between rider and handlebars or in other position that interferes with control of motor bike etc</i>	\$176
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	\$231
299(1)	<i>Driving vehicle with TV or VDU in operation in vehicle</i>	\$100
300(1)	<i>Using mobile phone while driving vehicle</i>	\$320
301(1)	<i>Driver of motor vehicle leading animal</i>	\$100
301(2)	<i>Passenger in or on motor vehicle leading animal</i>	\$100
301(3)	<i>Rider of bicycle leading animal</i>	\$55
302	<i>Rider of animal on footpath or nature strip failing to give way to pedestrian</i>	\$55
303(1)	<i>Riding animal alongside more than 1 other rider on non multi-lane road</i>	\$55
303(2)	<i>Riding animal alongside another rider in marked lane</i>	\$55
303(4)	<i>Riding animal alongside another rider more than 1.5 metres from other rider</i>	\$55
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	\$280

**Part 4—Offences against the *Road Traffic (Miscellaneous) Regulations 2014***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Miscellaneous) Regulations 2014</i></b>	<b>Fee</b>
39	<i>Evasive action in relation to average speed camera</i>	\$881
40(1)	<i>Heavy vehicles and minimum allowable travel time</i>	\$541
42	<i>Evasive action in relation to Safe-T-Cam photographic detection device</i>	\$541
49(8)	<i>Selling, or offering for sale, for use in motor vehicle seat belt or part of seat belt not complying with requirements of regulation or removed from vehicle in which previously used</i>	\$366
50(5)	<i>Selling, or offering for sale, for use in motor vehicle child restraint, harness etc, or part, not approved</i>	\$366
51(2)	<i>Selling, or offering for sale, for use by motor bike rider or passenger helmet not complying with standard</i>	\$366
51(4)	<i>Selling, or offering for sale, for use by bicycle rider helmet not meeting requirement</i>	\$366
52(2)	<i>Selling, or offering for sale, for use by rider of wheeled recreational device or wheeled toy helmet not meeting requirement</i>	\$366
53(2)	<i>Driving or towing on road light vehicle not complying with requirements of regulation—vehicle altered from original specifications</i>	\$96
56(1)	<i>Bicycle rider towing vehicle other than bicycle trailer complying with regulation or towing more than 1 vehicle</i>	\$55
64(2)	<i>Driving or towing vehicle on certain roads while transporting dangerous substance</i>	\$288

Regulation	Description of offence against <i>Road Traffic (Miscellaneous) Regulations 2014</i>	Fee
65(2)	<i>Light vehicle towing prohibited number of vehicles</i>	\$288
66(1)	<i>Parking in certain public places</i>	
	parking in City of Adelaide Park Lands	\$134
	parking in other public place	\$64
67(3)	<i>Contravening notice prohibiting fishing or other specified activities from specified bridge or causeway</i>	\$100
68(1)	<i>Failing to ensure dog does not enter or remain on certain bicycle paths</i>	\$210

## **Part 5—Offences against the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014***

Regulation	Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>	Fee
8(1)	<i>Speeding while driving road train</i> Exceeding a prescribed speed limit (road trains)—	
	by less than 10 kph	\$440
	by 10 kph or more but less than 20 kph	\$551
	by 20 kph or more but less than 30 kph	\$848
	by 30 kph or more	\$992
8(2)	<i>Speeding while driving road train</i> Exceeding 40 kph speed limit—	
	by less than 10 kph	\$166
	by 10 kph or more but less than 20 kph	\$363
	by 20 kph or more but less than 30 kph	\$738
	by 30 kph or more	\$881
11A(1)	<i>Driver of motor vehicle failing to pass rider of bicycle at a sufficient distance from the bicycle</i>	\$292
13(1)	<i>Driving or stopping in "bus only lane"</i>	\$249
27(1)	<i>Crossing to or from tram stop other than at crossing for pedestrians if within 20 metres of crossing or if tram has stopped</i>	\$47
44(1)	<i>Learner or P1 driver using mobile phone while driving vehicle</i>	\$320

## **Schedule 5—Transitional provisions**

### **Part 1—Preliminary**

#### **1—Interpretation**

In this Schedule—

*the revoked regulations* means the *Road Traffic (Miscellaneous) Regulations 1999*.

## Part 3—Transitional provisions

### 3—Transitional provisions

- (1) An approval, authorisation or instrument in writing, or a requirement or notice, given, made or continued in force under or for the purposes of a provision of the revoked regulations that is in force immediately before the commencement of these regulations continues in force as an approval, authorisation or instrument in writing, or a requirement or notice, given or made under or for the purposes of any corresponding provision of these regulations, subject to—
  - (a) the conditions (if any) of the approval, authorisation, instrument in writing, requirement or notice; and
  - (b) variation or revocation under these regulations.
- (2) An exemption from a provision of the revoked regulations given under or continued in force for the purposes of regulation 46 of those regulations that is in force immediately before the commencement of these regulations continues in force as an exemption from the corresponding provision of these regulations under regulation 71 of these regulations, subject to—
  - (a) the conditions (if any) of the exemption; and
  - (b) variation or revocation under these regulations.
- (3) A test or check in relation to a photographic detection device carried out under and in accordance with a provision of Part 3 Division 3 of the revoked regulations before the commencement of these regulations will, on the commencement of these regulations, be taken to be such a test or check carried out under and in accordance with the corresponding provision of Part 3 Division 4 Subdivision 3 of these regulations.
- (4) Regulation 19AA of the revoked regulations continues in force after the commencement of these regulations for the purposes of the completion of a date and time check under regulation 19AA(1)(d)(iii) that has not been completed before the commencement of these regulations.
- (5) A notice by the Minister under section 175A(3) of the Act in force immediately before the commencement of these regulations that complies with the requirements of regulation 19AB of the revoked regulations as in force at that time will, on the commencement of these regulations, be taken to be a notice under section 175A(3) of the Act that complies with the requirements of regulation 38 of these regulations as in force on that commencement.
- (6) A reference to a specification or standard in regulation 49, 50, 51 or 52 of these regulations as in force on the commencement of these regulations will be taken to have the same meaning as the corresponding reference in regulation 36, 37 or 38 (as the case may be) of the revoked regulations as in force immediately before the commencement of these regulations.

## Legislative history

### Notes

- This version is comprised of the following:

Part 1	1.7.2016
Part 2	1.9.2014
Part 3	1.9.2014
Part 4	1.9.2014
Part 5	28.4.2016
Part 6	1.9.2014
Part 7	14.1.2016
Schedules	8.12.2016
- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Road Traffic (Miscellaneous) Regulations 2014* revoked the following:

*Road Traffic (Miscellaneous) Regulations 1999*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	206	<i>Gazette 31.7.2014 p3712</i>	1.9.2014: r 2
2014	233	<i>Gazette 28.8.2014 p4212</i>	1.9.2014 immediately after 206/2014: r 2
2015	6	<i>Gazette 22.1.2015 p348</i>	22.1.2015: r 2
2015	94	<i>Gazette 18.6.2015 p2649</i>	1.7.2015: r 2
2015	161	<i>Gazette 18.6.2015 p2814</i>	1.7.2015: r 2
2015	211	<i>Gazette 8.10.2015 p4563</i>	25.10.2015: r 2
2016	6	<i>Gazette 14.1.2016 p106</i>	14.1.2016: r 2
2016	25	<i>Gazette 28.4.2016 p1313</i>	28.4.2016: r 2
2016	85	<i>Gazette 23.6.2016 p2215</i>	1.7.2016: r 2
2016	161	<i>Gazette 23.6.2016 p2428</i>	1.7.2016: r 2
2016	219	<i>Gazette 8.9.2016 p3686</i>	8.9.2016: r 2
2016	264	<i>Gazette 15.11.2016 p4418</i>	15.3.2017: r 2

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>22.1.2015</i>
r 3		
r 3(1)		
Transport Department	substituted by 85/2016 r 4	1.7.2016
Pt 3		
r 29		
r 29(1)	varied by 233/2014 r 4	1.9.2014
Pt 5		
r 50		
r 50(1)	substituted by 264/2016 r 4	15.3.2017—not incorporated
r 51		
r 51(1)	substituted by 25/2016 r 4(1)	28.4.2016
r 51(2)	substituted by 25/2016 r 4(1)	28.4.2016
r 51(5)	substituted by 25/2016 r 4(2)	28.4.2016
Pt 7		
r 62		
r 62(1)	r 62 varied and redesignated as r 62(1) by 6/2016 r 4(1), (2)	14.1.2016
r 62(2)	inserted by 6/2016 r 4(2)	14.1.2016
Sch 1		
Form 1	substituted by 6/2016 r 5(1)	14.1.2016
Form 7	varied by 6/2016 r 5(2)	14.1.2016
<i>Sch 3 before substitution by 85/2016</i>		
<i>cl 1</i>		
<i>cl 1(2)</i>	<i>varied by 94/2015 r 4(1)</i>	<i>1.7.2015</i>
<i>cl 1(4)</i>	<i>varied by 94/2015 r 4(2)</i>	<i>1.7.2015</i>
<i>cl 2</i>		
<i>cl 2(2)</i>	<i>varied by 94/2015 r 4(3)—(5)</i>	<i>1.7.2015</i>
Sch 3	substituted by 85/2016 r 5	1.7.2016
<i>Sch 4 before substitution by 161/2015</i>		
<i>Pt 3</i>	<i>varied by 6/2015 r 4(1)—(15)</i>	<i>22.1.2015</i>
<i>Sch 4 before substitution by 161/2016</i>	<i>substituted by 161/2015 r 4</i>	<i>1.7.2015</i>

<i>Pt 3</i>	<i>varied by 211/2015 r 4(1)</i>	<i>25.10.2015</i>
<i>Pt 5</i>	<i>varied by 211/2015 r 4(2)</i>	<i>25.10.2015</i>
Sch 4	substituted by 161/2016 r 4	1.7.2016
<b>Pt 3</b>	<b>varied by 276/2016 r 4</b>	<b>8.12.2016</b>
<i>Pt 5</i>	<i>varied by 219/2016 r 4</i>	<i>8.9.2016</i>
Sch 5		
<i>Pt 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>22.1.2015</i>

## Historical versions

1.9.2014  
22.1.2015  
1.7.2015  
25.10.2015  
14.1.2016  
28.4.2016  
1.7.2016  
8.9.2016